

By Mr. VINSON of Kentucky: A bill (H. R. 12800) to regulate interstate commerce in bituminous coal, and for other purposes; to the Committee on Ways and Means.

By Mr. BLANTON: Joint resolution (H. J. Res. 592) making appropriations for support of the government of the District of Columbia for the fiscal year ending June 30, 1937, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland: A bill (H. R. 12788) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

By Mr. AYERS: A bill (H. R. 12801) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Waterton Oil, Land & Power Co., of Butte, Mont., against the United States; to the Committee on the Public Lands.

By Mr. CARMICHAEL: A bill (H. R. 12802) for the relief of Edna Lee Fuqua and Vernedia Eggleston Fuqua; to the Committee on Claims.

Also, a bill (H. R. 12803) for the relief of Howard Fuqua; to the Committee on Claims.

Also, a bill (H. R. 12804) for the relief of the estates of Cleoney Fuqua and Miles Moore; to the Committee on Claims.

By Mr. CELLER: A bill (H. R. 12805) for the relief of the Nafra Co., Inc., and to confer jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of the Nafra Co., Inc., against the United States; to the Committee on Claims.

By Mr. GINGERY: A bill (H. R. 12806) for the relief of James P. McDonnell; to the Committee on Naval Affairs.

Also, a bill (H. R. 12807) for the relief of Walter Francis Meinhardt; to the Committee on Naval Affairs.

By Mr. LEE of Oklahoma: A bill (H. R. 12808) for the relief of William E. Burch; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 12809) granting a pension to Willie D. Nelson; to the Committee on Invalid Pensions.

By Mr. SCHULTE: A bill (H. R. 12810) granting a pension to Simon R. Ditzler; to the Committee on Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 12811) for the relief of the Kanawha Valley Coal Co.; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12812) granting an increase of pension to Mary Catherine Green; to the Committee on Invalid Pensions.

By Mr. TONRY: A bill (H. R. 12813) for the relief of Georg Ferdinand Erich Emmrich, also known as Richard Shultz; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10919. By Mr. DE ROUEN: Petition of Bayou Plaquemine Gravity Drainage District No. 12, of St. Landry Parish, La., urging the favorable consideration by the House of Senate bill 630; to the Committee on Agriculture.

10920. By Mr. DARROW: Petition of the Philadelphia Board of Trade, protesting against the enactment of the Healey bill (H. R. 11554); to the Committee on the Judiciary.

10921. Also, petition of the Philadelphia Board of Trade, protesting against the enactment of House bill 12395, the revenue bill; to the Committee on Ways and Means.

10922. By Mr. JOHNSON of Texas: Petition of Mamie Cerf; Joe Jolesch; Charles S. Cook; F. B. Vrla; J. W. Tolleson, president, the Citizens National Bank, of Ennis; E. C. Hawkins, vice president of Ennis State Bank; W. F. Templeton; and Ernest L. Raphael, all of Ennis, Tex., favoring Senate Joint Resolution 205, by Mr. SMITH; to the Committee on Agriculture.

10923. Also, petition of Mrs. G. L. Austin, Mrs. Roy Brown, Mrs. S. N. Brown, Mrs. J. M. Thompson, W. C. Norris, J. B. Adkins, and a large number of other citizens, all of Navarro County, Tex., favoring House bill 7122; to the Committee on Pensions.

10924. By Mr. PETERSON of Georgia: Petition of H. H. Warner, 1505 Washington Street; J. F. Inglesby, 404 East Park Avenue; and other railroad employees, of Savannah, Ga., protesting against taxes authorized by House bill 8651, known as Railroad Retirement Act of 1935, and House bill 8652, known as "An act to levy excise tax upon carriers and income tax upon their employees"; to the Committee on Ways and Means.

10925. By Mr. SCOTT: Petition of the Democratic Educational Group (a club of 800 members), requesting the Committee on Post Offices and Post Roads in the United States Senate to strongly urge the next Congress to enact a law providing for a 30-hour week for all postal and other Federal employees; to the Committee on the Post Office and Post Roads.

10926. Also, petition of the Federation of Citizens' Associations, Central Labor Union (representing organized labor in the District of Columbia), and the Southwest Citizens' Association, endorsing the Scott resolution, No. 486, and petitioning the Speaker to appoint a committee of five select Members to investigate fatalities and injuries in the District of Columbia, to inquire into elevator accidents, set standard qualifications for elevator inspection, investigate office of building inspector, examine plan to establish self-supporting elevator-inspection department, to determine whether or not investigation of accidents conducted by building inspectors have a tendency to excuse improper performance of duty, to report to the House the results of its investigations, that congressional committees of investigation be requested to make special study of antiquated elevators in District Building; to the Committee on the District of Columbia.

10927. By Mr. SMITH of West Virginia: Petition of citizens of Raleigh County, W. Va., urging the enactment of pending antilynch legislation; to the Committee on the Judiciary.

10928. By Mr. SUTPHIN: Petition of the Board of Commissioners of the City of New Brunswick, N. J., that the United States Senate enact the United States Housing Act of 1936, being Senate bill No. 4424, introduced by Senator ROBERT F. WAGNER, and that the House of Representatives enact the identical measure introduced in the House by Congressman HENRY ELLENBOGEN and being House bill 12164; to the Committee on Appropriations.

10929. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10930. Also, petition of the General Court of Massachusetts, relative to affording the privilege of entry into this country to those persons who are being persecuted and discriminated against in Germany; to the Committee on Foreign Affairs.

10931. By the SPEAKER: Petition of the Boonville Press Club, Boonville, Ind.; to the Committee on the Library.

10932. Also, petition of the city of New Brunswick, N. J.; to the Committee on Banking and Currency.

SENATE

THURSDAY, MAY 21, 1936

(Legislative day of Tuesday, May 12, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 20, 1936, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SAMUEL B. HILL, Mr. CULLEN, Mr. BUCK, Mr. TREADWAY, and Mr. CROWTHER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 1, 7, 31, 32, 33, 35, 39, 50, 52, 56, and 83 to the bill, and concurred therein; that the House had receded from its disagreement to amendments of the Senate numbered 46 and 87 and concurred therein, each with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 24, 53, and 54 to the bill.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11792. An act declaring Bayou St. John, in the city of New Orleans, La., a nonnavigable stream; and

H. R. 12799. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of Sir Walter Raleigh's colony on Roanoke Island, N. C., known in history as the Lost Colony, and the birth of Virginia Dare, the first child of English parentage to be borne on the American Continent, and her baptism.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 560. An act for the relief of the Western Electric Co., Inc.;

S. 760. An act for the relief of Harry P. Hollidge;

S. 952. An act for the relief of Zelma Halverson;

S. 1186. An act for the relief of Frank P. Ross;

S. 1328. An act for the relief of the Snare & Triest Co., now Frederick Snare Corporation;

S. 1431. An act for the relief of the Collier Manufacturing Co., of Barnesville, Ga.;

S. 1490. An act for the relief of Earl A. Ross;

S. 2520. An act for the relief of T. D. Randall & Co.;

S. 2734. An act to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrich, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania;

S. 4317. An act to authorize the Secretary of War to grant to the city of Buffalo, N. Y., the right and privilege to occupy and use for sewage-disposal facilities part of the lands forming the pier and dikes of the Black Rock Harbor improvement at Buffalo, N. Y.; and

S. 4594. An act to supplement the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), which authorized and directed the Attorney General to institute suit against the Northern Pacific Railway Co. and others.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.
The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	O'Mahoney
Ashurst	Clark	Holt	Overton
Austin	Connally	Johnson	Pittman
Bachman	Coolidge	Keyes	Pope
Bailey	Copeland	King	Robinson
Barbour	Couzens	La Follette	Russell
Barkley	Davis	Logan	Schwellenbach
Benson	Dieterich	Loneragan	Sheppard
Bilbo	Donahey	Long	Shipstead
Black	Duffy	McAdoo	Smith
Bone	Fletcher	McGill	Steiwer
Borah	Frazier	McNary	Thomas, Okla.
Brown	George	Maloney	Truman
Bulkley	Gerry	Metcalf	Vandenberg
Bulow	Gibson	Minton	Van Nuys
Burke	Glass	Moore	Wagner
Byrd	Guffey	Murphy	Walsh
Byrnes	Hale	Murray	Wheeler
Capper	Harrison	Neely	White
Caraway	Hastings	Norris	
Carey	Hatch	Nye	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], the Senator from Nevada [Mr. McCARRAN] are absent because of illness; that the Senator from Oklahoma [Mr. GORE], the Senator from Tennessee [Mr. McKELLAR], the junior Senator from Maryland [Mr. RADCLIFFE], the senior Senator from Maryland [Mr. TYDINGS], the Senator from Illinois [Mr. LEWIS], and the Senator from Utah [Mr. THOMAS] are necessarily detained, and that the Senator from North Carolina [Mr. REYNOLDS] is absent because of a death in his family.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATE, RURAL ELECTRIFICATION ADMINISTRATION (S. DOC. NO. 241)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Rural Electrification Administration for the fiscal year 1937, amounting to \$1,450,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Boonville (Ind.) Press Club, favoring fitting recognition of the work of William Fortune by the placing of a tablet inscribed with his name and accomplishment in furtherance of the cause of the erection of a memorial at Vincennes, Ind., to George Rogers Clark, conqueror of the Northwest, which were referred to the Committee on the Library.

Mr. COPELAND presented resolutions adopted by students of the school of business of the College of the City of New York, N. Y., favoring the enactment of the so-called national youth bill, which was referred to the Committee on Education and Labor.

He also presented the petition of Local Union No. 181, International Brotherhood of Electrical Workers, of Utica, N. Y., praying for the enactment of the so-called Wagner-Elfenbogen low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented the petition of sundry citizens, being members of the Employees Association of the United States Immigration and Naturalization Service, of Niagara Falls, N. Y., praying for the enactment of the bill (H. R. 12244) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Saratoga County, N. Y., local of the Socialist Party of the United States, favoring the holding of public hearings and the re-

porting to the Senate of the so-called Benson resolution, being the joint resolution (S. J. Res. 249) proposing an amendment to the Constitution of the United States designating farmers' and workers' rights, which was referred to the Committee on the Judiciary.

ENDORSEMENT OF PRESIDENT ROOSEVELT

Mr. BYRNES. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table a resolution adopted yesterday by the South Carolina convention of the Democratic Party, endorsing President Roosevelt for renomination and reelection. This resolution, presented by Delegate C. C. Wyche, of Greenville, S. C., was adopted unanimously by a standing vote.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas on March 3, 1933, when President Franklin D. Roosevelt was inaugurated as President of the United States, he found the Republican Party had so administered the affairs of government that fear gripped the hearts of the American people and despair was written upon their faces; business, big and little, was in economic chaos; banking institutions were insolvent and men were frantic in their efforts to convert currency into gold; millions of honest men had been thrown out of employment and were walking the streets inadequately clothed and hungry; farms of the American farmer and homes of American workmen were being sold under foreclosures; cotton was being sold at 5 cents per pound and other farm products below the cost of production; old age faced want and poverty with no ray of hope; and Government was being operated and controlled for the benefit of the privileged few and without thought of consideration for the hopes, longings, and aspirations of the American people as a whole; and

Whereas under the wise and capable leadership of President Franklin D. Roosevelt since his inauguration, fear has been driven from the hearts of men and faith and hope restored; business has again begun to prosper; the banks are overflowing with money and men make their deposits with confidence and no longer question the currency of the United States; the farms of the American farmer and the homes of the American workman have been saved from foreclosure and sale; the price of cotton has been increased from 5 cents per pound to 11 and 12 cents per pound, and other agricultural products are being sold at a more reasonable figure; the naked have been clothed, the hungry fed, and old age once again faces the future with more hope than dread; the doors of opportunity are being once again opened to youth, ambition, and energy to all those who are willing to work; the whole American people look forward to the future with confidence, optimism, and cheerfulness, and with the knowledge that the Government of the United States shall, under the continued leadership of the Democratic Party, be administered so that the American citizen shall be forever freed from economic slavery and shall enjoy the freedom guaranteed to him under the Constitution of the United States: Now, therefore, be it

Resolved by the Democratic State convention of South Carolina, That President Franklin D. Roosevelt be, and he is hereby, endorsed for renomination as the nominee of the Democratic Party and for reelection as President of the United States; be it further

Resolved, That the delegates elected by this convention to the Democratic National Convention be, and they are hereby, instructed and directed to support the nomination of Franklin D. Roosevelt as the nominee of the Democratic Party for President of the United States.

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (S. 2550) to incorporate the American National Institute (Prix de Paris) at Paris, France, reported it without amendment and submitted a report (No. 2062) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 187) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, reported it with amendments and submitted a report (No. 2065) thereon.

Mr. STEIWER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9483) to extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Umatilla and Whitman National Forests, reported it without amendment and submitted a report (No. 2063) thereon.

Mr. MURRAY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3869) to authorize payment to the Indians of the Fort Peck Reservation of the

amounts due on certain delinquent homestead entries, reported it with amendments and submitted a report (No. 2064) thereon.

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9183) to provide for the extension of the boundaries of the Hot Springs National Park in the State of Arkansas, and for other purposes, reported it with an amendment and submitted a report (No. 2075) thereon.

Mr. ADAMS, from the Committee on Banking and Currency, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4394. A bill to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam (Rept. No. 2066); and

H. R. 11688. A bill providing for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one hundredth anniversary of the admission of the State of Arkansas into the Union (Rept. No. 2067).

Mr. ADAMS also, from the Committee on Banking and Currency, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 4464. A bill to authorize the coinage of 50-cent pieces in celebration of the opening of the San Francisco-Oakland Bay Bridge (Rept. No. 2068);

S. 4608. A bill to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of York County, Maine (Rept. No. 2069);

H. R. 7690. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y. (Rept. No. 2070);

H. R. 8234. A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of the city of Elgin, Ill., and the erection of a heroic pioneer memorial (Rept. No. 2071); and

H. R. 11533. A bill to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Gettysburg (Rept. No. 2072).

Mr. OVERTON, from the Committee on Commerce, to which was referred the bill (S. 4538) providing for an examination and survey for a deep-water channel from New Iberia, parish of Iberia, La., to the Gulf of Mexico, reported it with an amendment and submitted a report (No. 2073) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 262) granting the consent of Congress to the States of New York and Vermont to enter into an agreement amending the agreement between such States consented to by Congress in Public Resolution No. 9, Seventieth Congress, relating to the creation of the Lake Champlain Bridge Commission, reported it without amendment and submitted a report (No. 2074) thereon.

He also, from the same committee, to which was referred the bill (S. 4037) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes, reported it with amendments and submitted a report (No. 2076) thereon.

ARRANGEMENT FOR INAUGURATION OF PRESIDENT AND VICE PRESIDENT

Mr. NEELY. Mr. President, from the Committee on Rules I report favorably, without amendment, Senate Concurrent Resolution No. 38, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution (S. Con. Res. 38), as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the

Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January next.

Mr. McNARY. Mr. President, I desire to ask a question of the Senator. Has it been the practice to propose a concurrent resolution of this kind so far in advance of the inauguration?

Mr. NEELY. Mr. President, the resolution has been offered earlier than usual because of the fact that under existing law the inauguration will be held about 6 weeks before the 4th of March, the date on which the inaugural ceremony was previously performed.

Mr. McNARY. Mr. President, is the concurrent resolution in the form which has been followed in years past?

Mr. NEELY. It is.

Mr. McNARY. Has the resolution been unanimously reported by the committee?

Mr. NEELY. The Committee on Rules has unanimously approved the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

PRINTING REVISED EDITION OF SENATE RULES AND MANUAL

Mr. NEELY, from the Committee on Rules, reported a resolution (S. Res. 303), which was referred to the Committee on Printing, as follows:

Resolved, That the Committee on Rules be, and is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Seventy-fifth Congress, and that 1,700 additional copies shall be printed and bound, of which 1,200 copies shall be for the Senate, 200 copies for the use of the Committee on Rules, and the remaining 300 copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On May 19, 1936:

S. 3483. An act to provide for rural electrification, and for other purposes.

On May 21, 1936:

S. 560. An act for the relief of the Western Electric Co., Inc.;

S. 760. An act for the relief of Harry P. Hollidge;

S. 952. An act for the relief of Zelma Halverson;

S. 1186. An act for the relief of Frank P. Ross;

S. 1328. An act for the relief of the Snare & Triest Co., now Frederick Snare Corporation;

S. 1431. An act for the relief of the Collier Manufacturing Co., of Barnesville, Ga.;

S. 1490. An act for the relief of Earl A. Ross;

S. 2520. An act for the relief of T. D. Randall & Co.;

S. 2734. An act to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrich, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania;

S. 4317. An act to authorize the Secretary of War to grant to the city of Buffalo, N. Y., the right and privilege to occupy and use for sewage-disposal facilities part of the lands forming the pier and dikes of the Black Rock Harbor improvement at Buffalo, N. Y.; and

S. 4594. An act to supplement the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), which authorized and directed the Attorney General to institute suit against the Northern Pacific Railway Co. and others.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4671) to amend the act approved February 1, 1928, concerning actions on account of death or personal

injury within places under exclusive jurisdiction of the United States; to the Committee on Education and Labor.

By Mr. CAPPER:

A bill (S. 4672) granting a pension to Hattie Amelia Hunt (with accompanying papers); to the Committee on Pensions.

By Mr. VAN NUYS:

A bill (S. 4674) for the relief of Peter S. Kaminski; to the Committee on Military Affairs.

Mrs. LONG. Mr. President, I ask consent to introduce two bills, one to authorize production credit associations to make loans to fur trappers, the other declaring Bayou St. John, in the city of New Orleans, a nonnavigable stream. I request that the bills be referred to the appropriate committees.

The VICE PRESIDENT. Without objection, the bills will be received and appropriately referred.

By Mrs. LONG:

A bill (S. 4675) to authorize production credit associations to make loans to fur trappers; to the Committee on Banking and Currency.

A bill (S. 4676) declaring Bayou St. John, in the city of New Orleans, La., a nonnavigable stream; to the Committee on Commerce.

INSTRUCTION AND INFORMATION RELATIVE TO CRIME CONTROL

Mr. ASHURST. At the request of the Attorney General, I ask consent to introduce for appropriate reference a bill on the subject of crime control. I also request that the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be received, printed in the RECORD, and referred to the Judiciary Committee.

The bill (S. 4673) to authorize the Attorney General to provide instruction and information on the subject of crime control was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That authority is hereby given to the Attorney General of the United States to provide instruction and information in methods of cooperation between the Department of Justice of the United States and the law enforcement agencies of the several States, the subdivisions and municipalities thereof and to provide for the collection and dissemination of information on the subject of crime prevention and control.

SEC. 2. There is hereby authorized to be appropriated from the Treasury of the United States such amount as may be necessary to carry out the provisions hereinabove set forth.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 11792. An act declaring Bayou St. John, in the city of New Orleans, La., a nonnavigable stream; to the Committee on Commerce.

H. R. 12799. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of Sir Walter Raleigh's colony on Roanoke Island, N. C., known in history as the Lost Colony, and the birth of Virginia Dare, the first child of English parentage to be born on the American Continent, and her baptism; to the Committee on Banking and Currency.

ADMISSIBILITY IN EVIDENCE OF CERTAIN WRITINGS AND RECORDS—AMENDMENT

Mr. BURKE submitted an amendment intended to be proposed by him, for the Committee on the Judiciary, to the bill (H. R. 11690) relating to the admissibility in evidence of certain writings and records made in the regular course of business, which was ordered to lie on the table and to be printed.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN (for Mr. McCARRAN) submitted an amendment intended to be proposed by Mr. McCARRAN to House bill 12624, the first deficiency appropriation bill, 1936, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 61, after line 5, to insert:

"Naval ammunition depot, Hawthorne, Nev.: For the construction of smokeless-powder magazines and accessories, \$760,000; for the construction of high-explosive magazines and accessories, \$196,000; for the construction of projectile magazines and accessories, \$370,000; for the expansion of officers' quarters, \$40,000; in all, \$1,366,000."

BITUMINOUS-COAL INDUSTRY

Mr. DAVIS. Mr. President, I understand that a contract of cooperation between the bituminous-coal miners and operators has been signed for another year, and I trust that this will serve as a basis of security in this industry. The highly competitive nature of the bituminous-coal industry requires stabilization. If legislation is to be used to overcome cutthroat competition, it must be based on the best thought of coal miners and operators. Past experience has taught us that price cutting leads to wage cutting. I have seen wages sink from \$7.50 a day to less than \$2.50, and, even so, the employment was irregular. Voluntary agreements between coal miners and operators as to wage scales through collective bargaining should point the way to an effective solution of this problem. Voluntary agreements seem to work satisfactorily in the anthracite industry. A similar program is needed for the bituminous-coal industry which fierce competition had reduced to chaos. Strikes and stoppage of work should be avoided and every effort be made to build up purchasing power in the hands of the mine workers.

Mr. President, so many requests have come to me for copies of the Supreme Court decision on the Bituminous Coal Conservation Act that I ask that a thousand additional copies be printed for distribution as a Senate document. The cost will be small, owing to the fact that the material is already set up.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

Mr. NORRIS. Does the request of the Senator include the printing of the dissenting opinion as well as the majority opinion?

Mr. DAVIS. Yes. A request for printing the opinions has already heretofore been granted, and I am now merely asking that a thousand additional copies be printed.

Mr. NORRIS. Including both the majority and the minority opinions?

Mr. DAVIS. Yes; the full decision of the Court.

Mr. NORRIS. Very well, I have no objection.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Pennsylvania is granted.

C. O. MEYER

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 537) for the relief of C. O. Meyer, which was, on page 1, line 6, after "\$297.86", to insert "in full settlement of all claims against the Government of the United States."

Mr. BYRNES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ALLOWANCES TO EMPLOYEES AFFECTED BY RAILROAD CONSOLIDATIONS

Mr. WHEELER. I ask unanimous consent to have printed in the RECORD a statement authorized to be issued by George M. Harrison, chairman of the Railway Labor Executive Association, and H. A. Enochs, chief of personnel, Pennsylvania Railroad, and chairman of the committee representing railroad managements. The statement has reference to an agreement reached between the railroads and the railroad brotherhoods concerning the dismissal of employees in the event of consolidations. It is one of the most forward-looking and epoch-making agreements negotiated in a long period of time between capital, on the one hand, and labor on the other.

Mr. COUZENS. May I ask if the signing of that agreement disposes of the bill which we have pending before the Committee on Interstate Commerce?

Mr. WHEELER. The signing of the agreement disposes of the bill we have pending before the Committee on Interstate Commerce and upon which we have had hearings, which were postponed in order that the railroads and brotherhoods might get together in order to effect an agreement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MAY 21, 1936.

The following statement is authorized by George M. Harrison, chairman of the Railway Labor Executives Association, and H. A. Enochs, chief of personnel, Pennsylvania R. R., and chairman of the committee representing railroad managements:

After months of negotiations an agreement was concluded and signed today by representatives of the railway labor unions and the railroad managements concerning allowances to employees affected by the joint action of two or more carriers with respect to unification, consolidation, merger, or pool, in part or in whole, through separate railroad facilities or any of the operations or services previously performed by them through such separate facilities.

The agreement, however, specifically provides that it does not apply to "rises and falls and changes in volume or character of employment brought about solely by other causes."

The agreement is for a period of 5 years beginning on June 18, 1936, and does away with the necessity for the enactment of the Wheeler-Crosser bill which would restrict reductions in railroad employment and which is now pending before congressional committees in the Senate and House of Representatives.

Each carrier contemplating a coordination, the agreement provides, shall give at least 90 days' written notice to the employees affected, such notice must contain a full and adequate statement of the proposed changes to be effected by such coordination, including an estimate of the number of employees of each class affected by the intended changes. Within 10 days of receipt of such notice, arrangements must be made for a conference between representatives of the employees and the railroads interested in such changes, and the conference must begin within 30 days from the date of such notice. The agreement sets up machinery for adjusting any disputes which may arise between the employees and the carriers on matters pertaining to coordination resulting in the displacement of employees.

Three provisions for financial allowances to employees affected by coordinations are provided under the agreement as follows:

1. When an employee affected by a particular coordination is placed in a position paying less monthly salary than previously received by him, then the difference must be paid by the carrier for not to exceed 5 years or until, through promotions or otherwise, the employee received a salary equal to or greater than that received prior to the coordination.

2. Any employee of the carriers deprived of employment as the result of a coordination is to receive a "coordination allowance" based on length of service which, except in the case of an employee with less than 1 year's service, shall be a monthly allowance equivalent in each instance to 60 percent of the average monthly compensation of that employee for the 12 months prior to the coordination as follows:

Length of service:	Period of payment	Months
1 year and less than 2 years.....		6
2 years and less than 3 years.....		12
3 years and less than 5 years.....		18
5 years and less than 10 years.....		36
10 years and less than 15 years.....		48
15 years and over.....		60

An employee with less than 1 year of service will receive a coordination allowance in a lump-sum payment equivalent to 60 days' pay.

3. Any employee eligible to the benefits and protections of this agreement may, at his option at the time of coordination, resign and in lieu of all other benefits and protections provided in the agreement accept in a lump sum a "separation allowance" determined in accordance with the following schedule:

Length of service:	Separation allowance	Months' pay
1 year and less than 2 years.....		3
2 years and less than 3 years.....		6
3 years and less than 5 years.....		9
5 years and less than 10 years.....		12
10 years and less than 15 years.....		12
15 years and over.....		12

Employees with less than 1 year's service would receive 5 days' pay at the rate of the position last occupied for each month in which they worked.

The agreement also provides for the reimbursement for expenses and certain losses suffered by employees who, because of coordinations, are required to change their place of residence. Under this provision such employee would be reimbursed for all expenses of moving his household and other personal effects and for the traveling expenses of himself and members of his family, including living expenses during the time necessary for such transfer and for a reasonable time thereafter not to exceed 2 working days, used in securing a place of residence in his new location. Any employee furloughed within 3 years after having been transferred, would also be reimbursed for expenses, if he elects to move his place of residence back to his original place of employment.

The agreement further provides that an employee who is compelled to change his point of employment is to be reimbursed, at his option, for any loss suffered in the sale of his home for less

than its fair value. The carrier also must protect an employee against loss to the extent of a fair value of any equity he may have because of a contract to purchase a home or for any loss resulting from an unexpired lease of a dwelling occupied by him as a home. The agreement provides that no claim for loss shall be paid which is not presented within 3 years after the effective date of a coordination. The agreement also sets up machinery for determining what shall be determined as a fair loss due to the above causes.

In respect to proposed coordination between railroads which are parties to this agreement and those which have not participated in it, the agreement provides:

"The provisions of this agreement shall be effective and shall be applied whenever two or more carriers parties hereto undertake a coordination; and it is understood that if a carrier or carriers parties hereto undertake a coordination with a carrier or carriers not parties hereto, such a coordination will be made only upon the basis of an agreement approved by all of the carriers parties thereto and all of the organizations of employees involved (parties hereto) of all of the carriers concerned. No coordination involving classes of employees not represented by any of the organizations parties hereto shall be undertaken by the carriers parties hereto except in accord with the provisions of this agreement or agreements arising thereunder."

COOPERATION INSTEAD OF DESTRUCTIVE CRITICISM—ADDRESS BY SENATOR MURRAY

Mr. ASHURST. Mr. President, last Monday evening I heard over the radio an address delivered by the junior Senator from Montana [Mr. MURRAY], wherein he discussed vital subjects in so well considered a manner that I asked him for a copy of the speech. I request that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The purpose of government is not merely to protect the life and property of citizens, nor is its main object merely to aid and encourage the development of vast industrial and business enterprises, increasing the wealth and power of a nation. To be an enlightened, progressive government, it must also give consideration to the moral, social, and human problems that directly affect the lives, the happiness, and the security of its people.

In consonance with this philosophy our Government for the past 3 years has been engaged in an effort to correct the evils which have developed in our country due to our failure to give heed to correct principles of economics and social justice. Many wrongs have been redressed, and the widespread distress among our citizens has been largely relieved, yet much remains to be accomplished in order to correct the unbalanced economic conditions under which our country has been laboring.

As my time is limited, it will not be possible to review in detail the results which have been accomplished. In general, the administration has secured the enactment of legislation for the social and economic betterment and security of all the people, farmers, workers, businessmen, women, and youth of the country. It has sought by every means to raise the standards and living conditions of workers and place them on an equal footing in bargaining power with organized industry, and is seeking in every way possible to protect the people from exploitation, restore prosperity, and provide a more widespread and fairer distribution of the earnings of industry. It is sought in every way to give the common man a square deal and drive out of our economic life the wrongs and evils which contributed to bringing on the depression.

This is a partial statement of the social and economic progress which we have been making and by which the administration is raising millions of our citizens out of the depths of confusion and despair and restoring them to productive activities. The Nation can feel proud that we have had a President at the head of our Government who has honestly sought and is still seeking in every way to place the common welfare of the ordinary citizen above the interests of individuals or groups. The philosophy that sound government must concern itself with human rights above property rights has never been more ably and effectively applied than during this first term of President Franklin D. Roosevelt.

But now, as signs of prosperity multiply on every hand and the elections are approaching, a bitter antagonism against the Roosevelt administration has developed. It seems to raise its hydra-headed form like some nemesis intent on evil to our country, seeking to confuse and befuddle the Nation, block the road to recovery, and thrust us back into the chaotic conditions from whence we have been so eagerly seeking to extricate ourselves. Instead of cooperation we are getting destructive criticism. Make no mistake, my fellow citizens, there can be no genuine recovery, nor return of real prosperity and happy conditions for the people of this country, unless there is developed a spirit of cooperation among the various groups that constitute the forces back of our economic life. No one objects to honest, constructive criticism, but extravagant abuse and bitter invective can serve no purpose.

Following the election of Roosevelt and the crisis in the early part of 1933, when the country was floundering in confusion, businessmen throughout the country recognized the dangerous conditions confronting the Nation. Everyone realized that cooperation was essential to allay fear and again start the wheels of progress

revolving. There was no criticism then. There was cooperation in thought, in word, and in action.

Under the splendid leadership of President Roosevelt we have made rapid progress during the intervening years. During the current year almost daily the press carries encouraging news of improvement in business conditions. Yet now comes this paradox. Just as we are achieving success in every direction, we are now beginning to hear volumes in the way of destructive criticism and bickering. In view of the progress which the administration has made in restoring the moral, social, and economic well-being of the country, it would seem that it would be entitled to the highest degree of good faith, good sense, and gratitude from every spokesman of business and industry.

Nevertheless, while the people in general are industriously cooperating in an effort to maintain and extend the prosperous conditions already achieved, these self-appointed spokesmen for industry are satisfied with nothing. They seem to be willing to court complete annihilation of the capitalistic system rather than lose any of the perquisites or prerogatives of big business. Fortunately, the great majority of businessmen are supporting the President and are candidly acknowledging the splendid improvement which has taken place in our business and industrial life, and the benefits the country is receiving from his successful efforts to correct economic evils and reestablish the purchasing power of the people. Perhaps this strange paradox may be explained on the basis that this is an election year and that it is politics we are hearing, not economics.

In line with this spirit of antagonism which I have mentioned, one of our great metropolitan newspapers, the New York Sun, recently published an article designed to arouse the animosity of the eastern industrial sections against the West by this outstanding organ of the Republican Party. I quote from this article:

"The sovereign State of Montana paid into the Federal Treasury in all internal revenue for the year ending June 30, 1935, the sum of \$6,165,173. Montana in 1935 received, on order of the executive department, the sum of \$9,084,000 in direct relief funds. Thus in direct relief funds alone, Montana took from the Federal Treasury \$2,900,000 more than it contributed to the support of the Federal Government."

Now, every informed citizen knows that Federal relief money was allocated solely on the basis of need. Need was calculated on the basis of deficiencies in local relief budgets. Naturally, the rich industrial States, that for many years have profited under the economic and tariff policies of past administrations, at the expense of the agricultural States, had much larger local resources than these poorer Western States. The story entirely ignored this variation in the comparative situation of the States affected by the depression. This criticism is the old "Grundy" argument which we have heard before. You will recall Senator Grundy was the representative of business interests, who declared the Western States should talk "darned small" in national matters and inferred that the industrial States paid the taxes and had a right to dominate the situation. Of course, there is not the slightest justification for this attack. It is one of the major functions of National Government to equalize in certain spheres of national interest variations in the economic capacities of its political subdivisions.

Moreover, it is obvious that internal-revenue receipts collected in a particular State do not constitute the sole amount paid toward Government expense by the people of that State. Modern business is not confined to State lines. Whenever a package of cigarettes is manufactured in North Carolina and consumed in Montana, the Federal tax of 6 cents is collected on the cigarettes in the State where it is manufactured. Any reasonable and intelligent person can, nevertheless, see the tax was not paid by the State where it may have been manufactured, but that it is actually paid by the consumer in Montana, where the cigarettes are purchased. This is a striking example. Yet the New York Sun would credit this entire sum to the people of North Carolina.

It was also contended that New York pays all the customs duties on imported goods which happen to enter the country through the port of New York for distribution and consumption throughout the Nation. These attacks are baseless and unjustified. Eastern corporations derive the bulk of their earnings from other States.

The industrial East, as I have suggested, profited enormously from the tariff policies of the Nation. These policies eventually impoverished the agricultural States, destroyed the foreign markets for agricultural commodities, and started western farmers on the toboggan slide to bankruptcy. During this same period the industrial sections were amassing fabulous surplus earnings and paying the most astounding dividends and salaries in all history—salaries and bonuses, mind you, paid to executives and directors, not wages to workers. Surely the East should be more just to the agrarian States. Without the restoration of the purchasing power of the farmers of this country there can be no recovery. Failing in this achievement business and industry will, by the force of circumstances, be relegated to again wallow in the mire of depression. The rehabilitation of agriculture is, therefore, an absolute condition precedent to any industrial recovery of the country. It is not a problem for Montana or the western farm States. It is a problem of the whole country.

Included in the legislation for relief of farmers is the soil-conservation measure designed to rebuild soil fertility and restore parity incomes to the farmer so as to enable him to operate his farm, pay his debts, and live in decency and comfort. The

farmers, also, are seeking relief from burdensome debts which during the past generation have been huddled on their backs as a result of our economic system and tariff policies which destroyed their markets, ruined their prices, and made it impossible for them to carry the load. Farmers also ask protection from the unfair methods of manipulating commodity prices on the commodity exchanges of the country. Farm prices are determined to his disadvantage by gamblers and speculators on commodity exchanges. Just like security prices were manipulated on the New York Stock Exchange prior to its regulation by the Securities Exchange Commission. Under these manipulations of prices the farmers are being annually fleeced out of just returns on the products of their farms. This is a problem the whole country should be interested in. It involves simply the protection of the farmer in the fruits of his labor. It is simple justice.

I would like to refer briefly to the Resettlement Administration Service in bringing about resettlement of the farmers in the distressed and drought-stricken sections of the country. Recently a loud newspaper and partisan barrage has been leveled against the Resettlement Administration, which has already done and is now doing an indispensable work in getting these broken-down farmers back to a basis where they are self-sustaining.

These are all problems not of particular sections but of the whole Nation. They are constructive proposals and are essential in any program for the restoration of purchasing power. The solution of these problems will work to the benefit and advantage of business and industry as well as agriculture.

Mass unemployment results from Nation-wide conditions and abuses. The closing down of mines in the West or the textile mills in the East is the result of national conditions. Thus the ultimate solution must be a Federal one with the full cooperation of American industry. No section or group in the country can shirk responsibility. In this age of abundance with its paradox of poverty amidst plenty a way must be found by which the masses can purchase the things they have learned to want. There is only one way to all-round prosperity, and that is by increasing the mass purchasing power to balance mass production. The farmers and the workers are all consumers of the products of industry and agriculture. They must be enabled to purchase their share of that produce.

No section of this country is independent of the other. Anybody who has ever looked upon those great chimneys of the industrial centers and seen the smoke of manufacture rising to the heavens—incense which industry burns before the throne of God—must realize the close interdependence between all human beings in the world today. Everything that enters into manufacture, the very stones of the structure in which industry operates, the very beams of the building in which it is sheltered, the raw materials of manufacture, the clothing and food of the workers, all come from the outside. The dweller in the cities depends completely for his sustenance upon the labor of the entire country.

If complete cooperation can now be had, the scourge of this depression which has been laid on the backs of our people will soon be converted into the greatest blessing which Providence has ever extended to us. It is the unbroken lesson of history that sacrifices imposed upon one generation are the necessary price of every great advance, material and moral, accomplished by other generations. After our Civil War, notwithstanding its enormous waste, the substitution of free labor for slave labor opened a fountain of prosperity which more than repaired in 5 years the terrible destruction of battle.

Now, in this age, if we can, by correcting the economic mistakes we have made, restore the purchasing power of the farmer and worker, spread employment so as to absorb the labor of all our people in useful production, and stimulate full industrial activity, the ravages and distress which we have suffered will be soon repaired and the people of this country will realize a higher plane of prosperity than has ever been achieved before.

ADDRESS BY ATTORNEY GENERAL AT CONNECTICUT DEMOCRATIC CONVENTION

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by Hon. Homer S. Cummings, Attorney General of the United States, at the State Democratic convention of the State of Connecticut, New Haven, Conn., May 15, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen of the convention, it is an agreeable experience to return to my home State and to have an opportunity to salute old-time friends and party associates upon the eve of another great Democratic victory. Here I find the consoling presence of my colleagues of other days, and here, too, I see the ardent and shining faces of the younger men and women who have come into the party to renew its vitality and to carry on its great traditions. I felicitate the leaders of our organization upon the happy manner in which these groups have been brought together and molded into a coherent and united force.

To our able Senators and Congressmen, to our efficient State chairman and his associates upon the State central committee, and to all the faithful members of our party who are gathered here tonight I extend my affectionate greeting.

I pause to pay especial tribute to the nestor of Connecticut Democracy—Gov. Wilbur L. Cross—whose scholarly attainments, broad statesmanship, and, may I say, salty personality have added

luster to the great office he administers with such marked distinction. He has won an enduring place in the affections of the people of Connecticut.

Members of the convention, we have come a long way together, and there are many things yet to be done. The last 3 years have been fruitful years. Our people have successfully passed through a great crisis. When the present administration came into power our country was in the throes of a depression far more devastating than war. Our standards of civilization were being progressively impaired. Our people were being forced to accept a less and less adequate scale of living. Our financial structure was in ruins. Our industries had practically ceased to function, and we trembled upon the verge of an economic abyss which threatened to engulf the Nation. The great captains of industry and finance, who had been so potent in the old days, and who had assumed that they possessed a patent upon prosperity, were in a state of bewilderment bordering upon abject terror.

They saw nothing ahead but universal bankruptcy and the liquidation of assets under conditions so desperate that they could not and would not have been endured by any free people.

Do not for a moment imagine that I exaggerate. During the Hoover administration, 6,067 banks were forced to close their doors. The managers of the financial institutions that still survived were, in their desperation, calling in loans, selling the securities that were pledged to meet them, foreclosing mortgages, and restricting credit, thereby accelerating the speed with which we were approaching complete chaos.

The startling withdrawals of gold for hoarding or for export to foreign countries, which took place in February and the first few days of March 1933, made further gold redemptions impossible. Those who could lay hands upon gold bullion, gold coin, or gold certificates were carrying them stealthily to storage in safe-deposit boxes. During this 30-day period, \$476,100,000 in gold had been withdrawn from the Federal Reserve banks and the United States Treasury, of which \$311,000,000 was for export, or to be earmarked for foreign account. Simultaneously there was a great demand for money of all kinds, for domestic hoarding. No man knew what the next day might bring forth. Foreign trade had been brought to a standstill, price levels were falling everywhere, and the burden of debt was beating our people to their knees. Failures and bankruptcies had reached unparalleled proportions. Our agricultural population was in dire distress, and farm evictions were taking place at the rate of more than 200,000 a year. Uncounted millions were out of work.

Nor is this all. The funds of charitable organizations and the resources of the generous, who had been contributing to the help of those less fortunate than themselves, were being depleted to the vanishing point. The morale of our people had been profoundly shaken; and there were repeated outbursts of violence in large sections of our country previously known as among the most orderly and dependable in our Nation. Upon every hand there were portents of evil which no responsible statesman dared disregard.

I do not pause to assess the responsibility for these conditions or attempt to trace their source. The essential fact is that they actually existed and were bequeathed by the outgoing administration to Franklin Delano Roosevelt. Did he lack vision? Did he lack resourcefulness? Did he lack courage? Did he lack devotion to the public service? Did he lack the gift of leadership, or the capacity to guide in a great national emergency? The united voice of America testifies to the contrary.

His immediate problem had to do with the financial and banking crisis. On Monday, March 6, 1933, he issued his first proclamation which suspended the operation of all of our banking institutions throughout the country, prevented their destruction, and afforded an opportunity for rehabilitation. That dramatic and drastic exercise of Presidential power was a superb act of courageous statesmanship—and it saved the Nation.

From that date to the 31st day of January 1934 the President, acting in close cooperation with a patriotic Congress, approved of a series of acts and promulgated supporting Executive orders that effected a fundamental change in the financial and monetary structure of our country. Gold and gold bullion were swept into the Treasury of the United States; gold certificates were placed where they were readily within the control of the Government; foreign exchange was regulated; banks were progressively reopened; gold hoarding was brought under control; parity was rigidly maintained; and a complete transition was effected from the discredited gold-coin standard to a gold-bullion standard, with the content of the dollar fixed at an enduring amount.

These measures tell the inspiring story of a troubled nation finding its way successfully out of financial chaos. Nor was the President content to rest with these achievements. He realized, even if his critics did not, the extent of the task involved in the effort to restore the broken life of America. The need was imperative, and he acted with swiftness and decision.

The President would be the last to assert that all of the agencies he set in motion have achieved their full purpose, or that they have been free from defects of administration. These things are inherent in any great national program. But no matter what the captious may say about the alleged mistakes of the Government at Washington, it cannot truthfully be asserted that it is in the hands of selfish interests, or that any ulterior purpose dictates its policies. We have placed the Government of the United States at the service of the people. We have shifted the money center of America from Wall Street to Washington, and, if I mistake not the temper of our people, they approve of the change.

Who is it then that is dissatisfied with the work of the administration? Not those who have been aided by the Agricultural Adjustment Act. Not those whose farms have been saved by the Farm Credit Administration. Not those who have been able to refinance their mortgages at a lessened rate of interest through the activities of the Federal Housing Administration. Not those whose homes have been saved by the Home Owners' Loan Corporation. Not the stockholders or creditors of banks, insurance companies, and railroads that have been rescued by the Reconstruction Finance Corporation. Not those who have received aid or found work through the Public Works Administration or the Works Progress Administration. Not the 1,250,000 boys who were taken from idleness and the streets and given opportunity and training in the Civilian Conservation Corps. Not the 52,000,000 American citizens whose deposits in the banks of the country have been made secure by the act creating Federal deposit insurance. Not the laboring groups in whose interest the National Recovery Administration established collective bargaining, improved working conditions, outlawed the sweatshop, abolished child labor, and gave to industry an opportunity for constructive leadership.

Not those whose humanitarian instincts approve of the Social Security Act and its provisions for old-age insurance and grants to States for widows' pensions, child welfare, and public-health service. Not those who recognized the need of abolishing holding companies formerly connected with the banks of our country which made it possible for reckless or corrupt financiers to speculate with the savings of depositors or waste the funds entrusted to their care. Not those who favor stock-market regulations to protect the public in connection with securities offered for general sale. Not those whose utility rates have been reduced through the activities and influence of the Tennessee Valley Authority. Not those who wanted to see the price level lifted and the debt burden of the country made bearable. Not those who have followed international developments and have noted the fruitful efforts to expand our markets and to revive foreign trade. Not those who are gratified by the doctrine of the good neighbor, which has restored a feeling of friendliness amongst the nations on this side of the Atlantic. Not those who realize that the American dollar is the soundest money unit on earth, and that there is a larger metallic reserve behind every Government issue than at any previous time in our history. Not those who are proud of the fact that the credit of our country stands higher than that of any other nation on earth. Not the great masses of the people who see evidences of increasing prosperity upon every hand.

Who, then, I repeat, are dissatisfied? No doubt thwarted political ambitions, unrelenting partisanship, and ultraconservatism account for the major portion of the forces arrayed against us. These things we understand and accept. There are, however, other and far more sinister groups we must take into account. They think primarily in terms of dollars, or the power that dollars represent, and feel little concern for social measures that sound in terms of humanity. I am puzzled by the thought processes of some of these influential and disgruntled citizens who, for so many years, have been riding high, wide, and, let me say, not so very handsome. Why should they be enraged because prosperity is returning? Why are they not content to accept it gracefully? Can it be that they are not willing to have the country prosper except upon their own terms? Why do they not turn in and work with the rest of us to meet our common problems? Are we not all Americans? Is this not one country? Are the people in distress not our friends and brothers?

I sometimes think that these incredible people who report greatly increased profits and simultaneously denounce the President must be harboring an inferiority complex. Somewhere deep down in their subconscious minds there resides a sense of frustration that releases itself in the unbridled outbursts with which, unfortunately, we are all so familiar. They are in the inglorious position of sitting on their money bags, watching the world go by, uttering cries of protest and terror, while they accumulate, at the same time, constantly increasing bank balances.

The New Deal is not on trial. I do not come to defend the New Deal or the policies of the administration. I proclaim them as the source of our salvation and our security. Those who resist social advance, those who oppose change, those who accept the past as good enough for the present, those are the groups that are on trial before the conscience of their fellow men.

To assume, as some of the less-informed critics of the administration are inclined to do, that all that is needed to achieve even a higher degree of prosperity is to terminate Federal effort and let nature take its course is to display an almost childish misapprehension of the problems of modern life.

If, as some of our Republican friends assert, recovery began with Roosevelt but not because of Roosevelt, then at least we are permitted to observe that it was a peculiar and happy coincidence.

There are those who complain that the Budget has not been balanced. If the President had balanced the Budget at the time his critics insisted that he should do so, how many of our citizens would have been forced to go without food? Which was the more important thing to do, balance the Government's Budget or balance the people's budget? Manifestly it was impossible to do both at the same time. If this be treason to the doctrines of sound finance, let the critics of the administration make the most of it.

Of course, recovery has cost a great deal of money, but far less than unfriendly critics assume. During the world conflict we spent nearly \$26,000,000,000 for the destructive purposes of war. We have appropriated only a little more than half that amount for the

constructive purposes of peace. Only a part of this sum has thus far been spent, a large portion of which is recoverable.

Nor do our critics allow any credit for the public buildings that have been erected, the great bridges that are being flung across our rivers, the thousands of leagues of good roads that are being laid, the dams that are being built, and innumerable other projects that add to the wealth and well-being of our people.

This outpouring of public credit had for its primary object the rescue of millions of Americans from the impossible position in which the economic collapse had placed them. The purpose was to preserve to them their private ownership of property, their right to conduct their enterprises as independent and useful factors in American life, and to avoid the processes of enforced liquidation, by which the great bulk of our fellow citizens were rapidly being regimented into the growing army of unemployed who were becoming, year by year, increasingly dependent on the centralized control of wealth in fewer and fewer hands. In short, it was by means of these expenditures that we salvaged not only the material but the moral and irreplaceable assets of a free people.

Manifestly there are many grave problems yet to be worked out, which must be approached not only with all the intelligence the Nation can summon, but with a devotion amounting to consecration.

Do you suppose for a moment that the Republican Party as now constituted, or as it is likely to be constituted, would be able to grasp the social consequences involved in these great economic dislocations or be willing to adopt the measures of relief that existing conditions demand? It would be a vain and futile hope, indeed.

When the history of this era is written, in the cool and contemplative days of a later period far removed from the animosities and misunderstandings of the present time, President Roosevelt will be more and more clearly revealed not only as a friend of human justice and social progress, but as the protector and defender of our accredited form of government, which, by his genius, he has vindicated.

The dawning future is aglow with promise. The gross income of our farming groups has increased approximately \$3,000,000,000 a year since 1932, and more than 30,000,000 of our people in the agricultural areas, instead of living under the constant fear of eviction and penury have developed a power to buy that has stimulated activity in every nook and corner of our country.

Statistics recently compiled by the Federal Reserve Bank of New York disclose that 909 corporations, consisting of 700 industrials, 149 railroads, and 60 utilities, made a net profit of \$142,000,000 in 1932. These same companies in 1935 made a net profit of \$1,568,000,000, being more than a tenfold increase. One great automobile company in 1932 made a profit of \$165,000; in 1935 it increased its profit one thousandfold to a total amount of \$167,000,000. A summary by the National City Bank of the profits of 2,010 companies showed earnings for the year 1935 of \$2,541,000,000, an increase of 42 percent over those for 1934, which in turn had been far better than 1933 and 1932. This year the statistics are still more encouraging. Everywhere, on every hand, in every line of activity, there is a constantly improving situation.

Those who were tongue-tied in the great crisis and found their voices only when the danger passed are in no position to criticize either the policies, the purposes, or the achievements of the administration; and those who have no better program to offer should learn the grace of silence. President Roosevelt has done more than restore material prosperity. He has restored the faith of our people. We stand upon his great record.

Every President who has guided this Nation through a troubled hour has been denounced as a destroyer of the Constitution, as a usurper, as a dictator, and as an enemy of honest wealth. Turn back the pages of your history for a moment and read this characteristic attack upon our first President:

"The American Nation has been debauched by Washington. . . . The President has violated the Constitution."

So virulent were the assaults upon him that, in a moment of exasperation, Washington said he would rather be in his grave than in the Presidency.

In 1862 a leading northern newspaper published the following statement about Lincoln:

"We saw the Executive power grasp in one hand the sword and the purse of the Nation and in the other the legislative and the judicial authority, and hold them in relentless grip to the complete annihilation of our constitutional rights. . . . We saw trade disordered, Government finances ruined, and enormous debt piled incalculably high, intolerable taxes. . . . We saw the superb Constitution, under which our country has grown great and respected, torn in shreds."

Such were the assaults made upon President Lincoln when he was striving to preserve the Government itself in the dreadful hours of the Civil War. And now, in many influential quarters, similar attacks are being made upon President Roosevelt who has carried the Government, the Constitution, and the people safely through the peril and misery of an unparalleled depression to a new and happier day.

For all practical purposes the election is over now. The vast majority of our people devoutly believe that the President is striving to the utmost of his ability to make this a better country in which to live. Never before has the average citizen felt more confident that those in charge of the administration have a deep concern for his welfare and that the Government is his friend.

I say to you that the people do well to love the President. By an unerring instinct they recognize his faith in them, his passion

for justice, his espousal of the cause of the exploited, and his devotion to our institutions. They understand full well the attacks that have been made upon him. They are not disconcerted because he is unpopular with the beneficiaries of the abuses to which he has put an end, and they love him for the enemies he has made. No nominee of reaction, no candidate content to deal in platitudes, no sterile traditionalism, no program of abuse can seduce them from their faith in their great leader.

ADDRESS BY CHAIRMAN FARLEY AT VERMONT DEMOCRATIC STATE CONVENTION

Mr. BROWN. Mr. President, I ask unanimous consent that the address delivered by Hon. James A. Farley, Postmaster General and chairman of the Democratic National Committee, before the Vermont Democratic State convention at Barre, Vt., on May 14, 1936, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The presence of this representative gathering today is convincing evidence that the Democratic Party is entering the campaign of 1936 in the healthiest condition of its history. The party is strong because facts tell the story and the people of this country know what the administration has done to bring order out of chaos and to restore the economic lifeblood of the country.

I remember that 4 years ago a chorus of hearty chuckles greeted the announcement by our candidate for the Presidency, Mr. Roosevelt, that he intended to deliver a campaign speech in the rock-ribbed Republican State of Vermont. It was an unprecedented action for a Democratic candidate and the press described it as merely a friendly gesture by Governor Roosevelt toward a neighboring State.

But after the election returns were counted in the fall of that year most people found it necessary to change a great many of their previous political beliefs. True enough, the Democratic Party did not carry Vermont, but it made substantial gains in this State and swept the rest of the Nation. The Democratic tide was strong in 1932, and it is running even stronger right at this minute. The great outstanding fact about the campaign of 1936 is that there is no longer any such thing as rock-ribbed Republican territory, and our adversaries know it. I make this statement at the opening of my remarks to forestall the usual comment that my coming here is another idle gesture. It is no such thing.

The great trouble experienced by the Roosevelt administration is in keeping up with our critics, who keep up a continual chant of complaint but who never seem to agree on what they believe is wrong with the administration. Just as soon as we answer one set of complaints they have an entirely new one.

Several months ago it was fashionable to charge that the policies of the administration were retarding the natural forces of recovery. They got away with that false argument until the business reports for 1935 and the first quarter of 1936 were made available. Then they found themselves confronting the undeniable fact that business in every section of the country was improving, that farm prices were up, and that most industrial units were making more money than they ever made before.

I find that Vermont is no exception to the rule. I find that the State has 4,000 more pleasure cars than it had last year. I find that the profits made by one Vermont cooperative creamery in 1 year were more than the par value of its stock. I find that shipments of Vermont maple sugar were 70 percent greater in 1935 than they were the previous year. The lumber business is better, agricultural prices are better, the banks are in fine condition, and most Vermont business concerns are making profits for the first time in years.

That is the true situation and I want to make it as emphatic as I can right here and now that this business recovery is the direct result of the wise policies inaugurated by the Roosevelt administration. I go further than that and say it would have been dangerous for this country if the deflation curve had been allowed to continue downward and if the do-nothing policies of the Hoover administration had been allowed to continue in force. As a distinguished newspaper editorial writer recently expressed it, the policies adopted by Mr. Roosevelt were insurance against civil disorders and possible revolution and the price has been more than worth while.

Just at this moment it is especially fashionable to criticize and condemn one of the finest of the many excellent measures put in operation by the Roosevelt administration to tide this country over the great emergency of the past few years.

I refer to the work-relief program which provided the necessities of life for millions of men, women, and children who otherwise might have starved, and which at the same time has provided a construction program of lasting benefit to the Nation. The most significant thing about the work-relief program is the fact that it provided work in the big cities of this country where the unemployed existed in unprecedented numbers. It was far better and far safer to have these men employed than it would have been to have them congregating in gangs on the street corners and complaining about their unfortunate condition. Idleness is the mother of civil disorder and every student of history is well acquainted with that fact.

I want you to bear in mind that these critics of work relief were silent and unheard of when that policy was adopted. If these self-appointed experts and so-called leaders had anything

to say in the time of the great crisis, no one remembers it because no one paid any attention to what they said. But now that the country is on its feet again, they rush out of hiding and spend their days finding fault with President Roosevelt, who did more to bring this country back than the whole of them put together.

There is no use in asking these people to stick to the facts on work relief although those facts are readily available. They continue day after day to publish and broadcast ridiculous and distorted statements about what they call boondoggling and when the facts were disclosed every one of these charges were exploded. In reply to these untruthful statements about work relief, I am going to call your attention today to the judgment rendered on that policy by 100 men in this country who should know more about work relief than any other group. The United States Conference of Mayors is an organization of those men entrusted with running the government of the largest cities of this country. They know by first-hand knowledge the dangers that might arise from mishandling the unemployed problem. The conference of mayors made a survey. Recently, the conference published a report on the conclusions reached by the 100 mayors of the largest cities in this country. This report said in part:

"The integrity and permanent usefulness of the city projects which have been approved by the Federal Government need no apology from anyone. Nor do the cities ask the Government or the President to defend the W. P. A. work which is being assisted by Federal funds.

"These projects are the cities' own projects. All the Government has done is to approve or disapprove what the cities have submitted.

"We are of the opinion that any honest and impartial analysis of the work being prosecuted in the important cities of the country will reveal that practically every project represents a useful and, in most cases, a permanent public improvement."

I want you to bear in mind that the testimony I have just quoted came from 100 mayors of the largest cities in the country, Republican, Democratic, and Independent. I want you to bear in mind that they were unanimous in praising the work-relief program of the Federal Government. These men, more than any other group, know what might have happened if a weaker government had been in control in Washington. Can you ask better or more convincing testimony for the work-relief program? Do you realize now why the Republican National Committee, the Du Pont Liberty League, and the hostile press, always keep silent regarding this report of the mayors? They know the facts are against them, so they ignore the real situation and continue their misrepresentations. So much for work relief.

I am going to review very briefly now what the Roosevelt administration did to restore and revive the banking structure of this country without which the recovery we now enjoy would have been absolutely impossible. I want you to recall that these wise policies were opposed at every step by the same people who are now finding fault with the administration. They did everything in their power to destroy the confidence of the country in the Roosevelt administration. Remember that they predicted chaos and confusion for the banking world if the Roosevelt policies were placed in operation. What has happened? On the contrary the banking structure is stronger today than it ever has been in the history of the country. More than that, the people have confidence because their deposits in most cases are insured; they know that the fearful orgy of bank closings, a frequent occurrence under Republican rule, cannot happen again.

Most of us recall the lightning speed of action which President Roosevelt employed in clearing up the banking and financial mess left on the doorstep of his administration by the Hoover regime. We know how he revitalized the banking structure. We recall that later the Glass-Steagall bill was enacted to correct bad banking practices; we remember the insurance of deposits, and the strict regulations put into effect to prevent the issuance in the future of worthless securities. But few people know of the wonderful good done to the banks of this country by the Home Owners' Loan Corporation and by the Farm Credit Administration. Those two Government organizations did more than save 1,000,000 home owners and 500,000 farmers from eviction. They took over frozen bank paper and gave them liquid paper at a time when such action was sorely and vitally needed by the banks of this country. It was a wise and far-seeing use of the credit of the Federal Government. A real-estate authority, writing in a Boston newspaper not very friendly to the administration, said this:

"The Home Owners' Loan Corporation saved the country, protected the banking structure, and, if it lost every penny it loaned, it would still be the finest thing in the United States, but it will probably not lose \$1, so well managed and manned is this sound Corporation, set up to relieve distressed home owners."

In considering that testimony, please remember that the Home Owners' Loan Corporation has loaned more than \$2,000,000,000 and yet this writer says if every penny were lost, it would still be a good investment. But he adds that the chances are Uncle Sam won't lose a nickel because the Corporation has been so well managed. And yet a few years ago we were being solemnly warned that the entrance of the Federal Government into that business was a grave error, and that the final loss would be terrific.

These Roosevelt critics were nowhere to be found when the President and Congress were deciding on the great and worthy policies which I have just described. They remind me of guerillas who run and hide when the battle is raging fiercely and then

rush out after the battle has been won, to start sniping at the brave leaders who won the day.

One of these loud-voiced critics of President Roosevelt worked himself up into a terrible state the other night because he said he never heard of the men whom President Roosevelt has around him running the Government in Washington. That's just like criticizing General Pershing because he helped win the World War with a lot of doughboys whom no one ever heard of before.

The great fact is that President Roosevelt won the war against the depression, and he did it with men who stood loyally by his side in the great emergency. This critic I have just mentioned roared his disapproval of every policy advocated by the Chief Executive and every one of them has worked out well. Would anyone want him in Washington?

As I said before, facts tell the story. Banking deposits now are more than \$24,000,000,000, or above even the total amount reached in the boom peak of 1929. That is a marvelous record, and it is due solely to the wise policies of the Roosevelt administration. That money belongs to the frugal, thrifty people of the United States, and they know they are not going to lose it.

I know figures and statistics are boring, and I am going to avoid them as much as I can. But in 1934 and 1935 only 91 banks failed in this country with total deposits of \$47,000,000, almost every penny of which was saved to the depositors by insurance.

In the 4-year period of 1930 to 1933, inclusive, and, of course, including the great banking crisis, more than 7,843 banks in this country were compelled to suspend operations, and few of those reopened. The deposits in those banks reached the stupendous total of more than \$6,000,000,000. All of that huge amount was not lost but certainly a large part of it was. The total loss was probably over \$2,000,000,000.

We hear a great deal these days from our Republican foes about high taxes. I wonder if you can think of a higher tax than the loss to a poor man of his life savings. Just think of the terrible losses suffered by the people of this country because Republican administrations flatly refused to correct the evils of the banking structure. No wonder that bank deposits shrunk more than \$7,000,000,000 during the great depression.

The people of Vermont can think for themselves, and they know that the funds sent here by the Federal Government during the depression turned the economic tide. It has been conservatively estimated that more than \$62,000,000 has been allotted, loaned, expended, or disbursed in the Green Mountain section since March 1933. The people of Vermont are honest, hard-working people who pay their bills, and they will pay back their borrowings to Uncle Sam just as quickly as they would any other creditor. That fact is amply proved by the records of the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, and the Farm Credit Administration.

But I want you to pause and consider the effective work done by that \$62,000,000 in protecting your homes, your savings, and your business during the last few years. You know better than I how many banks were saved, how many people were kept employed, and how many merchants were kept from going out of business. You know that relief money was cash money and that without it the retailers of Vermont would have been hard pressed indeed.

The next time you hear one of these self-styled economists telling about the natural forces of recovery ask him why those forces didn't stop the 8,000 bank failures under Mr. Hoover. And if that fails to convince him, remind him of the thousands of business failures during the same period.

It might be well at this moment to consider briefly those forces which are now so vigorously opposing the Roosevelt administration and hoping wistfully that something will turn up between now and November to bring about its defeat. Washington is overrun with the highly paid publicity experts of the Republican National Committee who are swamping the press with daily outpourings against the administration. It was this highly paid publicity staff which was responsible for the speech by the Republican Senator who said the Roosevelt administration had driven the people to eating dog food. The Senator is an outstanding candidate for the Presidency, and I must confess he has boiled down the Republican issues better than anyone else to date.

Of course, the newspapers pointed out you can buy good wholesome milk and bread and other human foods—produced in large quantities in Vermont—much cheaper than you can buy dog food, but a mere fact like that means nothing to the Republican publicity staff. Like the Republican "brain trust", it was so ridiculous that the people of the country laughed it out the window. In their frenzied zeal to halt the onward rush of the Roosevelt administration the Republicans fail to realize that until they get a program and a candidate who means something to the people of the United States they might as well shut up shop. This business of condemning everything the administration does has simply disgusted the country. After all, you can't fool all the people all the time.

Then, of course, there is the Du Pont-owned Liberty League, which has become strangely silent during the past few months or ever since it was disclosed that the sponsors of the league will pour out money to anyone who promises to say something nasty about Mr. Roosevelt.

The Liberty League, as you probably know, is a sport model of the Republican National Committee. The same people own both cars, and for the sake of convenience sometimes they use one and sometimes the other. I know a lot of people who would be ashamed to be found riding in the Republican model who don't

mind taking a seat in the sport model. But both cars are headed down the same blind alley and both will arrive at the same disappointing end.

The Senate committee has made some interesting revelations about the Du Ponts, who happen to be making more money as the result of the Roosevelt policies than they ever made in their lives before. It was disclosed that the Du Ponts were putting up the cash for the so-called Farmers' Independence Council, which, rightly enough, had offices on Wall Street, N. Y. I think any farm organization run by the Du Ponts should have Wall Street offices. But I wonder what the real dirt farmers of Vermont think of tactics like that? I wonder if they want the Du Ponts to represent them in advocating the kind of agricultural policies this country should have? Of course, they don't; and the farmers of Vermont, like those everywhere, resent this piece of deceit on the part of the Du Ponts and their wealthy friends.

The American Liberty League itself is now so discredited that it is no longer worth bothering about or answering. But it is well to remember that the rich men who run the Liberty League are also financing almost every other organization which is engaged today in opposing the Roosevelt administration. The men who contribute to the Liberty League are also contributing large sums to the Republican National Committee. Do you think they are doing that to help the farmers and the business interests of Vermont? Not on your life! They are pouring that money into the Republican organization because they intend to control it for their own interest.

The press of the country is pointing out that the Republican leadership is suffering from a "defeatist" complex because the leaders know very well that the party is going down to a crushing defeat in the fall of this year. The G. O. P. is going to take the worst defeat of its career because it has allowed itself to come once again under the domination of the wealthy Liberty League sponsors, who never seek anything but their own unselfish ends. In primary after primary the people of this country have shown that they resent this old, bankrupt, Republican leadership. In large States like California, Illinois, Wisconsin, and Pennsylvania President Roosevelt, although unopposed, has polled a larger primary vote than his Republican opponents combined. After all, the attitude of the voters is what tells the true picture of conditions in this country today.

I wish to close my remarks by urging you to bring the facts before the people of Vermont. Let the people know what honest, impartial observers feel about the policies of the Roosevelt administration and the result is a foregone conclusion.

The proof will come early next month when the Republicans gather in Cleveland to write a platform, which will endorse farm relief, relief to the unemployed, social insurance, and many of the other fine policies placed in operation by the Roosevelt administration. Imitation is always a sincere form of flattery, but in this case it will be more than that—it will be a confession of defeat on the part of our Republican opponents.

Vermont, like the rest of the country, may congratulate itself on the fact that our President for the next 4 years will be that great leader and outstanding statesman, Franklin D. Roosevelt.

PEACEFUL CHANGE WITHIN THE SOCIETY OF NATIONS—ADDRESS BY JOHN FOSTER DULLES

Mr. POPE. Mr. President, I ask unanimous consent to have inserted in the RECORD an address on the subject Peaceful Change Within the Society of Nations, delivered at Princeton University on March 19, 1936, by Mr. John Foster Dulles. This address is so scholarly and informing that I think it deserves a place in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I have chosen as my topic the subject of "Peaceful Change Within the Society of Nations." Before approaching this in terms of the concrete, I ask you to permit me some abstract consideration of the problem of change. We can perhaps thus find certain general principles which will be relevant to our subsequent discussion.

THE NATURE OF THE PROBLEM OF CHANGE

We are becoming increasingly aware of the dynamic character of the world in which we live. Formerly a large part of what surrounds us was classed as "solid" and "static." Step by step, as our knowledge has progressed, we have had to discard such views. We now know that everything is in motion and that, if there is any one principle of general applicability, it is that of movement and of change. We still speak, to be sure, of the "static" and the "maintenance of the status quo", just as we still speak of the "rising" and the "setting" of the sun. But such phrases are no longer looked upon as expressing scientific truth. Actually nothing is static; change is omnipresent and the status quo is never maintained.

In addition to accepting the inevitability and universality of change we note that change greatly varies in its manifestations. Some changes are gentle and benign; others are violent and destructive. If we seek an explanation of these variations, we find that violent and destructive change is usually consequent upon dynamic forces being restrained or repressed by some rigid envelope. The forces then tend to pile up and concentrate in intensity until finally they burst forth with violence. On the other hand, dynamic forces which are readily diffused do not manifest

themselves in any such abrupt and destructive manner. Change in that event is gradual and peaceful.

What is the role of intelligence in a world thus dedicated to movement and change? One certain thing is that intelligence must accept the inevitability of change and that such acceptance must be given irrespective of our ability to rationalize change or comprehend the nature of all the forces that compel it. We cannot, of course, avoid speculating on such matters and, perhaps, regretting the apparent futility of much change. However, the greatest futility of all would be to assume that the law of change can be suspended either by our ignorance or by our disapproval. We may indeed set ourselves up in opposition to change. But if we thereby delay the forces which we oppose, we merely assure their more violent ultimate manifestation, with the result that it is we who are swept aside. Change is the ultimate fact to which we must accommodate ourselves.

If, however, intelligence cannot set itself the task of suppressing the dynamic forces that surround it, it is equally clear that intelligence should not content itself with the role of simple observer. This would be an abdication which, in essence, is a negation of intelligence itself. It is the great, indeed, the unique, quality of intelligence that, while it cannot stop the forces which make change inevitable, it can to some extent modulate and direct these forces so as to affect the character of change.

It is, for example, often possible to increase the intensity of the dynamic forces by concentrating and temporarily restraining them. Or we can decrease the intensity by adjustments which permit of ready diffusion. We can similarly affect the direction in which the dynamic forces discharge themselves. If we desire to produce a violent fall of water, we dam up the stream. If we desire to avoid impetuous floods, we canalize the stream and diffuse the water at an early stage. Through such methods, it is possible for intelligence to deflect violence from that which we wish to see prolonged. By careful planning we can impart to change an element of selectivity. Thus we attain what we are pleased to call "progress" as distinct from pure "change."

It may be thought that the foregoing reflections are particularly applicable to inanimate forces. It is much the same, however, in regard to those dynamic forces which manifest themselves through human beings. Our consciousness of "will power" does, indeed, give the impression that within this sphere we have a far greater power to control, and even to suppress. Actually such impression is largely illusion. Even in our private lives, the most intelligent of us act primarily in response to appetites, habits, instincts, emotions, and other nonrational stimuli. This is even more true of our group life. I refer not merely to extreme cases commonly referred to as "mob psychology", but to all that we do as part of a social unit. Such group action is predominantly swayed by nonrational factors. We have our fashions and our fads; our "bull" markets and our "bear" markets; our business cycles; our swings from conservatism to liberalism and vice versa—all indicative of the subjection of human action to forces other than pure reason.

If we have to deal with the mass movement of human beings, and desire to attain practical results, we must not treat such movements as subject to control or suppression purely through an exercise of will power under the direction of intelligence. Such movements are, indeed, subject to control, but primarily in the same way that inanimate movements are subject to control. They can rarely be stopped by argument, but they can generally be influenced by careful planning. Assume, for example, that we find mass movements periodically manifesting themselves in violence. We will not often stop the violence by arguing its irrationality. The practical approach is to discover the restraining envelope which creates the pressure and to provide outlets such that the dynamic forces become peacefully diffused.

THE ROLE OF WAR IN HISTORICAL EVOLUTION

Let us now turn to the society of nations. It is first to be observed that within this field we find no exception to the universal rule of change. The nations are in constant flux as between each other. It is illuminating to turn the pages of a historical atlas. Scarcely a decade and certainly not a generation goes by without changes of a major order.

In addition to the historic fact of change, which is indisputable, we cannot but be struck by another significant fact which is the regular recurrence of force as an instrument of change. It is interesting, in this connection, to recall the history of our own Nation. Our "manifest destiny" has been achieved through a series of steps in each of which war, actual or potential, was the decisive factor. Even where change in our national domain has, superficially, been peaceful, it became possible only by threat of war or the existence of war in other quarters. If we examine the history of other nations, we find the same story. It is, I think, indisputable that, within the society of nations, changes in relative status have been of regular occurrence; that these changes have customarily been attended by war and that they have largely been reflected in changed national boundaries.

Now the fact, that, within the society of nations, changes have been recurrent, is nothing to cause us surprise. There is, however, cause for reflection in the fact that the changes have habitually been the result of violence and that they have tended to assume a particular pattern, namely, the shifting of national boundaries. This constant coupling of change with violence suggests the presence of dynamic forces which are repressed by barriers which prevent their early and peaceful diffusion with the consequence that such forces are massed and intensified until

they forcibly break through. Furthermore, the fact that the envelope which is rent is that of national boundaries, suggests that these may be the barriers which serve to compress the dynamic forces.

It is easy to find confirmation of what is thus suggested. The society of nations is founded upon the concept of "sovereignty." What is "sovereignty"? By very definition it is the right to be free from change by outside forces. It is the essence of sovereignty that the sovereign can do as he pleases within his jurisdiction, no other nation having the right to interfere in any respect. What is his jurisdiction? That defined by national boundaries. Boundaries thus in fact become barriers and, from the Roman days, have been treated as such by writers on international topics. The society of nations is, in theory, a group of sovereigns, each endowed with barriers through which outside influences may not penetrate, except with consent. In the practical exercise of sovereignty, such consent is generally withheld.

The idea that we can have any units perpetually free from change except by consent is, of course, inherently unsound. It ignores all that we learned, or should have learned, from our knowledge of the dynamic character of our world. Sovereignty thus constitutes that obstruction to change which the constant recurrence of violence led us to expect must exist.

The world has indeed, up to the present time, been practical enough to recognize that the concept of sovereignty involved, as a necessary corollary, the use of violence to effect change. Until recently war has always been regarded as an entirely lawful procedure. This has not been because war has at any time been regarded as desirable or because the killing of human beings has been looked upon as a beneficent pursuit. War has at all times been recognized as a curse and peace as golden. However, there has been no other escape from the consequences of sovereignty. Its rigid barriers to movement have had to be broken down in the only way left available, namely, by force, and consequently force has been recognized as a legitimate measure as between nations. Even such conferences as the Hague Peace Conferences of 1899 and 1907 did not seek to abolish war. Rather they sought to evolve "rules" of war, so that the institution of war could be kept within reasonable bounds.

It is only since the World War that a serious effort has been made to do away with war and to assimilate it to murder as between individuals. This is due primarily to the fact that the World War brought us to a realization that wars could not be conducted in accordance with set rules, and that with the development of science and industry, war had ceased to be merely undesirable—it had become intolerable. The instruments of war had become so destructive and so far reaching as to threaten civilization itself. There thus developed a world-wide sentiment that the World War must be the "war to end war." Thereafter we must have a world system from which war would be excluded.

WILSON'S PROGRAM FOR A DURABLE PEACE

At this juncture the world looked primarily to Woodrow Wilson to devise the new world system which it thus ardently and rightfully demanded. He, of all the political leaders, had shown the most statesmanlike vision. He had led America into the war reluctantly, and only to assure that from its colossal destruction there would emerge a world structure designed to make peace durable. He had a duty and it was a duty to which he responded—more adequately than has, perhaps, been appreciated.

His task was to propose a world system from which force could be eliminated as a legitimate instrumentality of change. How had it ever become such a legitimate instrumentality? Because sovereignty turned national boundaries into barriers which obstructed and dammed up dynamic forces until they irresistibly burst through. The solution was then to mitigate the obstructive character of national boundaries and to provide areas within which the dynamic forces could peacefully diffuse themselves. Having created such an elastic world, it would then be practical to suppress resort to force and to unite the nations to this end. This, in essence, was the Wilsonian solution.

The extent of elasticity that could be created varied, of course, with practical conditions. Thus, he dealt separately with the seas; the colonial areas and the highly developed countries where the national system was already entrenched.

As to the seas, he proposed the freedom of the seas "alike in peace as in war."

As to the land (German colonies, Turkey, etc.) where it seemed practical to make a fresh start, he proposed the "mandate" system. Mandated territory would be held in trust and excluded from incorporation into any single national domain. The "open door" would prevail, providing equal opportunity to all nations to use and develop the economic resources.

As to the territory where the sovereignty system was already riveted, he proposed a large measure of both economic and political fluidity. To insure a greater economic freedom, there would be a "removal, so far as possible, of all economic barriers and an equality of trade conditions." To insure greater political elasticity, national boundaries would be subject to change by international action whenever their rigidity threatened the peace.

In a world where boundaries would thus cease to be barriers, war would have no further legitimate place. Accordingly he proposed the League of Nations and the guaranty of its members to unite to repress aggression.

It is significant that, of the 14 points, the proposal for a League of Nations is the last—not the first. The elimination of war was appropriate only as channels were otherwise provided for the peaceful diffusion of dynamic forces.

Wilson's program, of course, completely failed of realization. The peace treaty was barren of any reference whatever to the freedom of the seas. The mandate system was, in form, applied to ex-German and Turkish colonies. Actually the Wilson concept was so perverted that its intent was wholly defeated. The mandatory powers are, to all intents and purposes, absolute sovereigns; and the mandate system, instead of developing colonial areas in the general interest, merely confirms and extends the old concept of national domain. The treaty contains no provisions designed to eliminate trade barriers or to assure a measure of economic movement over national boundaries. The idea of treaty revision was accepted in form but, as in the case of mandates, nullified in fact. The Wilson draft of the Covenant of the League combined the boundary revision and the territorial guaranties into a single article, so that the League guaranty was not the guaranty of a rigid structure. In the final treaty the nonaggression covenant appears as an unqualified undertaking (art. X) supported by the sanctions of article XVI. The treaty-revision article is postponed to article XIX, where it appears as an isolated and diluted provision, for the application or enforcement of which no machinery is provided. It there becomes no more than a pious hope and is, in practical effect, a dead letter.

The only feature of this peace program which found place in the treaty was that for banding the nations together to prevent the use of force. This proposal, when isolated from its context, was, of course, highly acceptable to the victorious European powers. Their prime objective was to retain their war gains. If the treaty made no provision for peaceful change, and created an alliance to perpetuate the status quo, it would, they vainly thought, admirably serve their purpose.

Thus the treaty emerged as a triumph of the old principles of sovereignty. The world would be maintained as an area cut into numerous subdivisions by boundary lines serving as barriers to the interplay of dynamic forces. The pledge of mutual assistance against war merely meant that the barriers might, with apparent impunity, be made the more impenetrable.

This invitation to extreme nationalism has in fact been accepted. The consequences is that our post-war world not only perpetuates, but indeed accentuates, the conditions which have always been provocative of war. Peace efforts, instead of effecting some fundamental change in world system, have been left to develop along purely superficial lines.

ALTERNATIVE PEACE EFFORTS

Broadly speaking, the post-war peace efforts can be classified under three heads, which, for convenience, I term the "realist", the "intellectual", and the "sentimental".

The realists take no stock in anything but force. The war to stop change by force is, they say, to build up superior force committed to the maintenance of the status quo. France is the principal exponent of this theory. Her program for peace was to disarm those nations who might be suspected of desiring to alter the status quo and to create, out of the satisfied nations, an international army charged to maintain the peace. Falling at Paris to secure the international army, she accepted the League of Nations after it had been perverted into what was in effect an alliance to maintain the status quo. She developed the most formidable military establishments the world had yet known in peacetimes and buttressed her position with a series of military alliances designed to encircle Germany. On the other hand, she imposed very drastic disarmament upon Germany.

The inequality of force thus brought about was so striking that it seemed for a time to insure France's peaceful perpetuation of her status quo. Already, however, France is disillusioned. Change comes irresistibly. Germany bursts, one by one, the bands with which she was bound and military alliances become too costly to maintain or become unreliable in the face of changing conditions. In place of Poland, formerly a keystone of the arch, is now substituted Russia in a desperate effort to maintain a preponderance of force against the forces working for change. The disparity has, however, already shrunk to a point such that it no longer is relied upon by anyone to assure peace. France already sees a new European war as imminent and the outcome as doubtful.

Again it has been demonstrated, as so often before, that change cannot be suppressed by the piling up of resistant bodies. Military establishments and alliances may temporarily preserve peace. But if by peace is meant the perpetuation of a rigid, inelastic world structure, then such temporary peace is purchased at a high price. The vast military establishments merely mean that the war, when it comes, will be the more devastating; the military alliances, that it will be the more widespread.

Let us turn to the peace program of the intellectuals. They proceed on the assumption that, since war is the act of human beings, it can be stopped by will power, directed by reason. The intellectuals would doubtless be right if we could accept their premise that the mass action of human beings is subject to self-control in accordance with the dictates of pure reason. For there can be little doubt that the attempts to justify war do not stand the test of intellectual analysis. Such arguments as those premised on overpopulation or the need of raw materials can, one by one, be examined and found fallacious. I am quite prepared to concede that, as an intellectual achievement, war can be argued out of existence. There is nothing novel in proving war to be "the great illusion." Unfortunately it is equally possible to prove that illusions are the common incentive to human action. In a theo-

retical world of pure intellects the intellectual might have some chance of preserving peace. In the world as it is the most ineffective aid to peace is he who ignores the forces for change unless they can be rationalized to his satisfaction. While he stops to argue, he is engulfed by the forces to which he would deny existence.

The sentimentalist deals with more potent stuff. He looks not to reason but to emotion to stop war. If, he argues, enough people can be brought to feel that war is cruel or illegal or un-Christian, then people will not fight. The United States is the leading exponent of this school of thought. We were horrified when, after the World War, we awakened to the fact that war was "legal." In a sense we were relieved, for we felt this presents an opportunity to change the status of war. If we can change the label and make war illegal, it will no longer be respectable and people will not indulge in it. So a great popular movement formed to "outlaw" war. Under its impulse we negotiated the pact of Paris (Kellogg-Briand Pact), whereby all the nations solemnly agreed that force should be renounced and war thereafter become illegal.

Throughout the world, but more particularly in the United States, there has been a wide dissemination of literature, moving pictures, plays, etc., designed to portray the hideous cruelty of war. The church has sought with zeal to reemphasize the un-Christian character of war.

It is, however, quite certain that war will not be prevented by any of these methods. By appealing to sentiment we do, indeed, invoke a mainspring of human action, but it is one that is totally unreliable. If sentiment can be aroused against war, it can equally be aroused for war and by war. There is nothing that excites interest as much as a fight, and once a fight is in progress, it is human nature to become partisan. Our own people have in the past, by Washington and Jefferson and Wilson, been enjoined to be impartial in act and thought as between belligerents. In each case the injunction has fallen on deaf ears. Such neutrality is a psychological impossibility.

The love of excitement or of change of environment draws people into wars. Risks and perils, while they may be a deterrent, may equally be an attraction. Many whom peace condemns to stodgy monotony welcome the opportunity to become heroes in the eyes of their family and friends. Each war seems to have the facility of presenting itself in dramatic guises that appeal to our sentiment. We fought Spain as crusaders on behalf of oppressed Cubans. We fought Germany to make the world free for democracy. Most of the pacifists in England were quite prepared to fight Italy to sustain what they believe to be a sacred principle. A considerable element in France, genuinely devoted to the cause of peace, is ready to fight a "preventive" war against Germany, thereby sacrificing themselves in order that their children may not have to pay a greater sacrifice. What is nobler than that a man should give his life for a cause?

War can cast itself into any one of myriad molds designed to appeal to human sentiment, and if there are times when pacifist sentiment seems to be dominant, we can be sure that such sentiment cannot be relied upon as a durable preventive of war.

I have not made this review of post-war peace tendencies with any desire to disparage. The problem is sufficiently grave and difficult of solution so that all aids must be invoked. Any peace program must have the support of the realists, the intellectuals, and the sentimentalists and must incorporate features of their programs. It is, however, necessary to realize that nowhere do we find any current program for peace which stands the test of analysis. The protagonists of the different schools are themselves aware of their own inadequacy and their efforts are daily becoming feeble. Despite a vast sentiment for peace, there no longer persists any serious hope of ending the war system. The policies of every government are premised on force continuing as the accepted medium for effecting international changes. Peoples everywhere are stoically resigning themselves to the inevitability of another great war. Failure is admitted.

But what is it that has failed? Not the program which Wilson gave the world as the basis for a durable peace. That program has not failed—it has never been tried. Therein alone consists the failure. How can we fatalistically accept the unspeakable tragedy of another war without even trying intelligently to avert it? It is not as though the program were impracticable or one that involved great sacrifice. Let us reconstruct it in terms of its practical application to present conditions.

WILSON'S PROGRAM IN PRESENT-DAY TERMS

We would, in the first place, retain the principle of "collective security" as embodied in the League. The realists are right insofar as they contend that force can be wholly eliminated and tranquillity secured only through the establishment of some superior public force. Their error lies in thinking that any central force can be adequate to maintain the status quo of a rigid world. If, however, we create a reasonably flexible world, in which the normal dynamic forces can peacefully diffuse themselves, then the violence with which we have to cope is only such sporadic violence as is incident to occasional abnormalities.

We can usefully profit from our experience with the maintenance of peace within the individual state. It has there been demonstrated that, if order is to be maintained and violence avoided, it can be only as part of a social system which affords adequate opportunity for peaceful change. We cannot, consistently with peace, perpetuate the same laws, the same rulers, the same ruling

classes. We cannot deprive people of the opportunity to change their material, social, and political status according to their desires. The attempt to do this, and arbitrarily to perpetuate wealth, power, and position in certain individuals, always leads to revolution. No central force can be maintained sufficient to preserve such a rigid social order. If it is temporarily perpetuated, through force, the inevitable change, when it does come, is only the more violent and bloody and destructive. To this the French and Russian revolutions bear witness. On the other hand, if an elastic form of society is provided, then the dynamic forces peacefully diffuse themselves. Such violence as occurs is sporadic and due to abnormalities. The central police force required to suppress such occasional outbreaks need not be large or onerous to support, and the violence with which it has to deal is of insignificant proportions.

So it can and should be with the society of nations. Collective action should be available to keep the world at peace, but only provided we have a world which is elastic and fluid in its organization. That is, of course, the objective of the balance of the program.

Of first importance in this connection is the reestablishment of stable and readily interchangeable currencies. Without this, national boundaries become exaggerated as barriers to every type of international movement, whether it is of capital, goods, or people. Because each nation has exercised its sovereign right to do what it pleased with its own money, each nation has largely become a closed unit. If we are to achieve an elastic world, where national boundaries cease to be barriers to a reasonable freedom of movement, then this must be changed. The nations must recognize that stable international exchanges are the lubricant, without which international movement is impossible.

Unstable exchanges constitute only one, if the most important, of the economic barriers. Direct obstacles have been interposed, and these have been greatly increased since the time when Wilson spoke. Tariffs have been raised, quotas established, and other impediments prescribed. These obstacles must be greatly reduced if we are to have a reasonably elastic world. This, indeed, appears to be the present policy of our Department of State, where Secretary Hull has negotiated a series of reciprocal-trade agreements designed to open up the avenues of trade. If there were international agreement as to the objective to be attained, this program could be accelerated to assure progressively greater freedom for the international movement of goods.

As regards the international movement of people, there could well be some relaxation of the present extreme restrictions on emigration and immigration. Selectivity would, of course, be required, but the rigid prohibitions which have recently been enacted in many parts of the world should not become a permanent part of a world system which we are trying to render elastic within reasonable limits. In many parts of the world there used to exist temporary or seasonal emigration. These movements were mutually advantageous and could well be permitted to resume.

The foregoing program would be designed to organize the society of nations so that national boundaries would not be barriers to the reasonable movement of capital, goods, and people.

The attainment of political, as distinct from economic, elasticity, presents more serious problems as regards the highly developed nations. It is doubtless impracticable today, as it proved in 1919, to establish any international tribunal with power to alter existing national domains. It is thus not easy to find a method of implementing article XIX of the League Covenant (Revision of Treaties). Perhaps the most practical measure would be to provide that no treaty should be perpetual, but that all should require renegotiation on their merits at the expiry of reasonably limited periods of time. Such periods might vary according to the category of the treaty. Boundary treaties might, for example, have a longer normal tenure of life than commercial treaties.

It would, of course, be necessary to establish a fair compromise between the disturbing effect of political uncertainty and the avoidance of undue political rigidity. Certain types of treaties manifestly should not be reopened at frequent intervals, but it is difficult to see why any treaty should not be subject to renegotiation at least once each generation. If, for example, the semipermanent treaties were subject to denunciation by any party after 35 years, and would then expire after a further 5 years, this would seem to avoid excessive uncertainty and also give opportunity for adjustment to any changes which might be negotiated.

In such ways a considerable measure of political elasticity is obtainable. A further step might be achieved by the substitution of "unwritten law" for many treaties. It is through such a regime that there has been possible the political evolution of the British Empire into a commonwealth of nations. This has occurred peacefully throughout the last 150 years and in the way in which change should best occur, so gradually that it has been almost imperceptible except in retrospect. If at any time it had been sought to fix, by constitution or treaty, the relations to England of what were originally colonies, it is almost certain that we would have had repetition of our own war of independence. A status of political elasticity has made this avoidable.

Despite such devices as I suggest, a large measure of political rigidity must persist as regards home boundaries. If, however, we establish reasonable freedom for the movement of goods, capital, and people, boundary lines lose much of their significance. This is well illustrated by the relations of our own

sovereign States. The essential basis for peace between them is found in their renunciation of the right to interfere with interstate commerce. Subject to this, each State has retained a large measure of sovereignty—how large, we sometimes forget until reminded by the Supreme Court. Each State independently legislates as to all social, educational, and religious matters, has its own system of taxes and local government, its own courts, its own militia, etc. Legal, social, and material conditions do, in fact, vary greatly as between the States. Nevertheless, we all consider it a matter of quite secondary importance where State boundaries run. It is sufficient for the resident of New Jersey that he can invest his money in New York, or call on New York capital to finance his own investment that he can sell goods to, or buy from New York, and that he can, if he wishes, travel freely to or through New York.

Under these conditions, he cannot become aroused to fight to secure an annexation of territory from New York. These boundaries have remained substantially rigid and fixed for 150 years, and no ill consequences have flowed therefrom. They do not serve as barriers to the dynamic forces within the two States. We cannot, of course, expect for international commerce the same freedom which our States accord to interstate commerce. We can, however, obtain a sufficient approximation so that the boundaries of established States will assume far less importance than is the case today.

The economic and political measures which we have been considering are primarily applicable to the highly developed nations. If we turn to the colonial areas, a more ambitious program is practical. There the objective would be to install the mandate system in the spirit proposed by Wilson. Instead of the mandatory power in effect incorporating the mandated territory into his own political domain, he would be under a duty to administer it in trust, first for the advancement and well-being of the local population, and then for the benefit and equal opportunity of the whole world.

Mandated territory should be prevented altogether from falling into the sovereignty system where boundaries are barriers behind which some obtain advantages which are denied to those without.

It would have seemed, a few years ago, quite impracticable to propose any such general application of the mandate system. The Italian-Ethiopian conflict has, however, awakened the world to the obstacles to peace inherent in the present colonial system. In England an influential body of public opinion advocates complete revision of the present system of treating colonies as part of the national domain. If England, the greatest possessor of colonies, is in this mood, it would seem quite practical, as part of a general peace program, to carry into realization the vision of Wilson as to the "trusteeing" of colonial areas.

If we turn from the land to the sea, we would apply the Wilson concept of the freedom of the seas. This requires no important modification of the present status in time of peace. The seas have, happily, been kept free from subjection to any single sovereignty, although this has not always been without a struggle. In time of war the problem becomes more difficult. Belligerents have always sought to appropriate the seas to their own operation and neutrals have sought to preserve their own rights. Our new neutrality legislation permits to belligerents interferences with shipping which formerly were regarded as unwarranted. Such partial renunciation of the freedom of the seas is, perhaps, justifiable, assuming we accept the war system. We may then be warranted in voluntarily enlarging the arena dedicated to the combatants, in the hope that, as spectators, we will be less apt to become embroiled. If, however, the nations unite in adopting a comprehensive program for peace, then a wholly different attitude would be required. No rights on the seas should be accorded a nation which, under such conditions, breaks the peace. The freedom of the seas would thus prevail in war as in peace, except insofar as regarded the offender.

It will be seen that the foregoing constitutes a faithful application of the Wilson program. As to the seas, there would be complete freedom, in peace as in war, from the encroachments of individual sovereignty. As to the colonial areas, the mandate or trustee principle would be substituted for that of national domain. As to other land which is already highly nationalized, there would be a large measure of economic fluidity through the reduction of trade barriers and some degree of political elasticity through the periodic review of all treaties. We would thus have changed the society of nations so that peaceful movement and change would be facilitated and so that national boundaries would no longer be rigid and forbidding barriers. Having created such an elastic world, collective action is then appropriate to protect against violence. Its occurrence will then be due only to sporadic abnormalities which will diminish as we do away with national "inbreeding."

CONCLUSION

Does such a program carry conviction? Obviously it does not arouse enthusiasm as would a frontal attack on war. An international army, a league to enforce peace, an international covenant to outlaw war, a pledge of the masses to boycott war—such efforts can arouse the righteous fervor which comes only from hand-to-hand conflict with the forces of evil. When, however, we seek to alter the underlying conditions out of which war springs, then we must rely upon reason to hold us steady to our purpose. There are only rare occasions when this is possible.

That, in essence, is why Wilson's peace program was never tried. It was put forward at a time when emotion ruled. The revulsion

against war was intense and seemed in itself an adequate preservative of peace. If any further measures were required, surely the most direct and simple would suffice. Thus the League of Nations alone caught the popular imagination. It seemed to afford a direct and simple solution. The balance of the program, to which the League was, in fact, subsidiary, was ignored.

Today we are in a different mood. We have seen sentiment evaporate as an effective deterrent to war. We have seen the failure of the League to enforce peace, the failure of the pact to outlaw war. We are sobered by the very rapidity with which we have moved back into the war system. We are frightened by the strength of the forces that seem to have us in their grip. We may, indeed, be in one of those rare moods when we are prepared to seek salvation through following the guidance of our reason.

ADMINISTRATION OF THE SOCIAL SECURITY ACT

Mr. GLASS. Mr. President, I ask unanimous consent to have inserted in the RECORD an address recently delivered by Hon. Vincent M. Miles, member of the Social Security Board, before the chamber of commerce, Lynchburg, Va., April 9, 1936, explaining in some detail the administration of the Social Security Act.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

One of the finest of our early American traditions is that of the responsibility of society for all its members. As early as the Mayflower Compact, the sense of this responsibility was expressed. Throughout the history of this country provisions have been made for those who could not provide entirely for themselves. These provisions have not always been adequate. Our thinking about the causes, remedies, and means of handling the problems of economic insecurity has not always changed with the times. Indeed, until 1930 we were handling the dependency resulting from economic insecurity much as it had been handled under the old English law of 1602.

Today we as a Nation are getting under way a new, more nearly adequate, more orderly, and more economically sound and desirable method of handling economic insecurity. The problem is as old as civilization; the cost has always existed and always will. The methods proposed under the Social Security Act form merely a new approach to the problem, better adapted, we think, to modern industrial conditions and designed to give more adequate social security to our people as individuals and to our form of society.

The Social Security Act has been praised by its too-enthusiastic friends as a panacea to meet all our economic ills, and it has been denounced by its enemies as marking the destruction of our liberties if not of our form of government.

Of course, neither of these descriptions is accurate. The Social Security Act is simply a piece of legislation setting up the framework within which the Nation can work out a more orderly and efficient system of providing against the insecurities of life under present-day industrial conditions than we have had before.

It is not necessary to emphasize the extent of economic insecurity which exists at the present time. The millions on relief rolls constitute conclusive evidence that no one can deny. Nor need it be emphasized that the economic insecurity of the individual is a persistent problem that is with us during good times as well as bad. Even in the prosperity period of the twenties estimates indicate that an average of one-twelfth of the industrial workers were unemployed. It is estimated that even before the depression one-third of all persons over 65 years of age were dependent upon others for their support. There have always been hundreds of thousands of widows with dependent children, who were in financial need.

We realize that this insecurity of the individual and his family, which is so characteristic of modern industrial life, will steadily become intensified unless proper social measures are taken. We cannot count upon the passage of time or automatic economic adjustments to solve the problem for us, since the relative decline of self-sufficient agriculture, the steady growth of the division of labor, the interdependence of markets, and the increasing rapidity of change in all phases of our economic system make for ever-greater personal insecurity.

Before discussing in detail the provisions of the Social Security Act, it is necessary to mention that the provisions of the act are administered by several executive departments of the Federal Government, and that of those administered by the Social Security Board, a number call for action by the States and a continuing cooperative Federal-State administrative relationship.

The provisions of the Social Security Act are administered in part by the Social Security Board, the Treasury Department, the Children's Bureau of the Department of Labor, the Surgeon General of the Public Health Service, and the Office of Education of the Department of the Interior.

The portions of the act administered by the Social Security Board fall into three general categories—public assistance, unemployment compensation, and Federal old-age benefits.

Under the public-assistance category are the provisions for grants by the Federal Government to the States for aid to the needy aged, aid to dependent children, and aid to the blind. In relation to all three of these public-assistance provisions, action by the States is necessary, and a cooperative Federal-State relationship for administrative purposes is required.

The second major category of the three administered by the Social Security Board is that of unemployment compensation. In this respect, also, the Social Security Act is essentially an enabling statute, designed to aid the States in the administration of unemployment compensation legislation. The administration of the State unemployment-compensation law is a State responsibility performed in cooperation with the Federal Government in respect to certain fundamental requirements set up in the Social Security Act.

The third major category, of those administered by the Social Security Board, is that of the Federal old-age benefit system. This is an entirely federally administered program and is the only aspect of the act administered by the Social Security Board in which the States do not participate in administrative responsibility.

This new program is now a fact. It is under way. There need be no argument as to whether we ought to do something for the aged or for the unemployed. The system is law now. It is operating. Very great progress has been made in putting it into effect. Despite the fact that the Social Security Board had no congressional appropriation until February 11 of this year, the Board up until April 1 had approved plans for unemployment compensation or public assistance submitted by 32 States and the District of Columbia. For 8 of these States and for the District of Columbia unemployment compensation plans have been approved, and for 29 States and the District of Columbia public-assistance plans have been approved. These provide aid for the needy aged, needy blind, dependent children, or for all three.

Unemployment-compensation laws have been approved by the Board for the District of Columbia, Alabama, California, Massachusetts, New York, New Hampshire, Oregon, Wisconsin, and Washington. In addition to these States, Indiana, Mississippi, and Utah have unemployment-compensation laws which have not yet been approved by the Board. Thus we have a total of 12 States with unemployment-compensation laws. They cover approximately 40 percent of the total number of compensable workers who would be covered if every State came under the Federal-State unemployment-compensation program provided for in the Social Security Act.

Among the States with approved unemployment-compensation laws, seven have already received United States Treasury checks totaling \$337,253 to pay the cost of administering these State acts.

Employers in the eight States and the District of Columbia, in which approved unemployment-compensation laws are in effect, will be able to credit the amount of their contributions to their State unemployment compensation funds, for employment as defined for the purposes of the Federal tax, against the 1-percent Federal excise tax set up by the Social Security Act, up to 90 percent thereof. As you know, a uniform excise tax is levied on all employers of eight or more, with certain types of employment, such as agricultural labor and domestic service in private homes excepted. The tax will be collected by the Bureau of Internal Revenue on or before January 31, 1937, for the calendar year 1936. The rate for this year is 1 percent of pay roll; it will be 2 percent in 1937 and 3 percent thereafter. The proceeds will go into the General Treasury.

An employer can credit against nine-tenths of this tax the amount he has contributed to a State unemployment compensation fund for employment covered by the Federal tax. This State fund will be used to pay regular benefits—usually about 50 percent of wages, for 3 or 4 months, to workers who lose their jobs and cannot find new work.

For an employer to get this credit, a State unemployment-compensation law must be approved by the Social Security Board. The law must be a genuine unemployment compensation measure. Contributions when collected are to be deposited in the unemployment trust fund, of which the Secretary of the Treasury is trustee, for the account of the particular State and can be withdrawn only for the purpose of paying benefits.

The employer in a State having an approved unemployment-compensation law, after crediting against his Federal tax, up to 90 percent thereof, the amount allowed as credit for his payments under the State law, pays the remainder to the Federal Treasury. The Federal Government in turn makes grants to the States for the cost of administering the State laws. As I have said, seven States have already received such grants.

Among the 29 States and the District of Columbia with approved public-assistance plans, 27 have had old-age assistance plans approved; 18 have had plans approved for the needy blind, and 17 have had plans approved for dependent children. The District of Columbia and the following States have had plans approved for all three forms of public assistance: Maine, New Hampshire, New Mexico, Utah, Wisconsin, Wyoming, Arkansas, Idaho, Mississippi, Nebraska, Vermont, and Washington.

The number of persons benefited by the public-assistance plans now approved for States which have so far submitted estimates is approximately one-half million, divided roughly as follows: aged, 380,000; dependent children, 86,000; and blind persons, 17,000.

In States for which public-assistance plans have been approved by the Social Security Board, the Federal Government will match dollar for dollar, up to a combined Federal-State total of \$30 per month per person, the expenditures of a State for aid to the needy aged and the needy blind, and in the case of aid to dependent children \$1 for each \$2 disbursed by the States up to \$18 per month for the first child and \$12 per month for each additional child in any one family. An additional 5 percent of the Federal grants to States for old-age assistance and aid to the blind will be paid to the States to be used for paying administrative expenses, for assistance,

or for both purposes. The Federal grants-in-aid for dependent children include both assistance and administration.

Under the Social Security Act all personnel employed by the Board is recruited from the civil service, with the exception of attorneys and experts. The Board has followed the policy of having experts and attorneys qualified as such by the Civil Service Commission. The Board recognizes the necessity of developing a strong and competent administrative organization on a merit basis.

To this end the Social Security Board is devoting unsparing effort. In our selection of personnel for key positions we have been fortunate. After long and careful selection we have secured authorities in the field of administration for the positions of executive director and coordinator, and we have secured genuine experts for the key positions of director and associate director of the several line and staff bureaus and offices. Mr. Frank Bane, formerly executive director of the American Public Welfare Association, and well known in Virginia, is our executive director, and Mr. Henry P. Seidemann, an outstanding expert in governmental organization and administration, is the coordinator.

These men and the heads of the several bureaus and offices are proceeding slowly and carefully with the job of building up the administrative personnel of the Board, and every appointment, incidentally, is passed on in its final stages by the Board itself, after bureau directors, our personnel division, and the Civil Service Commission have approved the applicant as being carefully selected and fitted on the basis of merit for the particular job to be done.

The Board at the present time has some 350 employees. It is our goal to have no unnecessary employees and at all times to have every employee do an honest day's work for an honest day's wage.

There has been some critical discussion of the Social Security Act because combined in the same enactment are provisions for public assistance, unemployment compensation, and Federal old-age benefits. Why shouldn't all three be in one enactment? Is there any valid reason whatever? I think reasonable men will see none. Certainly none has been advanced as yet, even by those who launch the criticisms. I should like to take a few moments to consider in turn both sides of the argument, as they are applied, first, to the public-assistance provisions of the act; second, to the unemployment compensation provisions; and, third, to the Federal old-age benefits system.

I. PUBLIC ASSISTANCE

The provisions of the act relating to public assistance provide, as already explained, for Federal funds to be made available to the States on a matching basis for aid to the needy aged, to the blind, and to dependent children. One critic cannot understand why these provisions came to be included in the same act as those setting up unemployment-compensation and old-age benefits. He feels that these provisions were included because of what he calls the fear of Congressmen that they would be accused of lack of sympathy for the welfare of the aged, and of children, and of the blind.

The fact is, of course, that even in our highest prosperity the problem of old-age dependency was increasing, that during the depression it has become a more pressing problem with ever-greater rapidity, that only about half of the States had any legislation on the subject at all, that in some of the States lack of funds prevented the administering of such benefits as their laws provided, that in others the provisions were inadequate from a social point of view, that the demand and need for a more adequate system of old-age assistance were both very real, and that the only feasible way to provide a more adequate system promptly was through the use of the grants-in-aid principle, by which Federal funds could be made available to the States to make possible anything approaching an adequate program throughout the country.

Again, the provisions for public assistance are stated in terms implying that the needy aged—and here I quote from a recent critic—"become at one stroke wards of the Federal Government unless the States refuse to be coerced into subordinating their rights of self-government to the Central Government."

The same factual situation to which this fiery statement refers can be described with greater accuracy in quite another way. In the first place, the needy aged do not become wards of the Federal Government, although perhaps those that have gone hungry and friendless might not object if someone—even the Federal Government—sought to befriend them. The fact is that the States do not have to "subordinate their rights", and there is absolutely no element of coercion involved—except perhaps the inevitable force of the hungry and shelterless crying for assistance. Certainly the Federal Government does not coerce the States in this matter. Any State may ignore the public-assistance provisions of the Social Security Act forever, if it wishes. It may choose to meet the problem of the needy aged, of the blind, and of dependent children in its own way, entirely out of its own tax revenues. On the other hand, it may, if it wishes, receive Federal assistance in meeting these problems. It is entirely up to the State.

From still another quarter the comment is made that the old-age assistance provisions of the act are too lavish—too open-handedly generous. Anyone who has tried living on less than \$1 a day, making this cover not merely food, but also clothes, lodging, and every other expense, without exception, will hardly feel that provision by a State, in cooperation with the Federal Government, of \$30 a month to a needy aged person represents an expansion of the assistance program "beyond legitimate requirements." Whether or not States with inadequate assistance pro-

grams in the past could or would in the future provide more adequate programs is something about which it is idle to speculate. The fact is that the trend was toward less adequate State programs of assistance rather than toward excessively generous ones.

Finally, it should be emphasized that the administration of the State public-assistance plans is the responsibility of the States. The Federal Government's function, aside from making grants of funds, is to supervise only to the extent of seeing that these funds are expended in accordance with the conditions under which they are granted—and anyone interested in good governmental administration will agree that this is the indispensable minimum. So much for the public-assistance provisions of the act.

II. UNEMPLOYMENT COMPENSATION

The Social Security Act is based in part upon the proposition that action by the Federal Government is necessary in order to facilitate adequate provisions against insecurity. In relation to unemployment compensation, for example, for a number of years consideration of this subject by the States met the objection that no one State could act alone, because to do so might subject its employers to unfavorable competition in relation to those in States not enacting unemployment compensation legislation. The Social Security Act, in relation to unemployment compensation, is an enabling act, facilitating passage of unemployment compensation legislation by the States.

The effect of the excise tax set up in the act is to remove or decrease the possibility of an economic handicap to a State enacting unemployment compensation. The tax is thus the factor which makes State unemployment compensation laws possible without subjecting the individual State to the possibility of an economic handicap in relation to States having no such legislation.

The criticism is made that the States—and here I quote a recent critical statement—must "rigidly conform to standards dictated by the Federal statute." This is distinctly an overstatement, to say the least. As a matter of fact, the States are left the widest latitude in terms of their State unemployment-compensation acts. They may be of the pooled-fund type or of the individual-reserve type, or they may be a combination of both. They may provide for merit ratings, or they may not, in accordance with the desires of the individual State legislatures. They may apply to employers of one or more persons or eight or more persons, or, indeed, to employers of any number of persons, as a State legislature sees fit. They may provide for waiting periods before benefits are paid or they may not. The benefits may be large or small in accordance with the desire of the individual legislature. Employees may be made to contribute or they may not. The only requirements which the State unemployment-compensation legislation must meet are a few basic provisions which, as a matter of fact, are necessary to unemployment compensation legislation as such. In connection with grants of Federal funds for the cost of administration, the State act must meet certain provisions guaranteeing the efficient administration of the funds for the purpose granted.

The statement that the unemployment compensation provisions of the Social Security Act "deprive the States of full opportunity for developing systems adapted to their diverse employment conditions"—a criticism recently made—is simply not true. As indicated before, the States may devise unemployment compensation plans specifically adapted to their diverse unemployment conditions. In fact, the recognition of the diverse conditions in the various sections of the country was taken into consideration in the framing of the Social Security Act.

The criticism is sometimes made that the Social Security Act requires the States to turn over their unemployment compensation funds to the United States Treasury. It does nothing of the sort. It does require them to deposit the funds in an "unemployment trust fund" of which the Secretary of the Treasury is the trustee. This is an entirely different proposition. The characteristics of a trust fund are sufficiently well known so that it is hardly necessary to point out that these moneys when deposited in this fund are still the property of the States, to be withdrawn at any time.

Of course, if States should withdraw these funds for other than the payment of unemployment-compensation benefits, the Social Security Board would have to suspend its approval of the State unemployment compensation legislation in the particular case. The thought that the State's money will have to be transferred to Washington is not correct. The State merely deposits its unemployment-compensation funds with the nearest Federal Reserve bank. The point is that the funds remain the property of the State, even when deposited under the trust fund. This is a safeguard for the worker without taking the money from the States.

The unemployment-compensation provisions of the Social Security Act define the conditions under which the States can give recognition to favorable employment experience of individual enterprises. The States may, if they wish, legislate merit-rating provisions into their acts. A period of 2 years is provided during which contributions will be paid before any benefits are permissible. During that time experience on the employment stability of individual enterprises will be gained, and if a State legislature should so elect, merit-rating provisions may go into effect.

III. FEDERAL OLD-AGE BENEFITS

The system of Federal old-age benefits provided by the act is designed to give definite retirement benefits, payable monthly, beginning at age 65, to workers who qualify for them and who are not regularly employed. This is the biggest job which the Social Security Board has to administer. It is the only part of the social-security

program which is entirely federally administered. In this connection the Board, through its proper bureau, will maintain individual records showing the earnings of approximately 26,000,000 persons covered by this provision of the Social Security Act. It will examine and approve payments to individuals who have attained the age of 65, and payments to the estates of deceased persons as provided for in the act. Under the old-age benefits system, payments will be made to qualified beneficiaries based on wages and not need.

The act provides for an income tax on employees and an excise tax on employers. Taxes will be paid only on the first \$3,000 of wages paid to any individual in any one year by any one employer. Benefits are payable in relation to the total wages received by an employee on the basis of a formula which roughly proportions the benefits to the wages earned. The findings of the Brookings Institution in its study entitled "America's Capacity to Consume" show that by far the greatest percentage of workers' families in the United States even at the height of our prosperity in 1928 and 1929 had incomes which made it very difficult for them to save anything. Something like 71 percent of the gainfully employed earned less than \$2,500 a year, and more than 42 percent earned less than \$1,500 a year. More than 21 percent had incomes of less than \$1,000. The attempt to support a normal-sized American family of four persons on \$1,500 a year, when all the energies of business were concentrated on persuading the individual to spend his whole income, and then to fall back on installment buying, could not allow for any great degree of saving.

The Federal old-age benefit plan presupposes the desirability of setting up a governmentally administered old-age benefit system in view of the fact that after many years of development under the leadership of individual business management, it is estimated that the privately administered pension plans in effect at the time the Social Security Act was enacted would ultimately pay benefits to approximately 4 percent of the persons engaged in the employments covered by the Federal old-age benefit system. In other words, if private pension plans were depended upon to do the job, anything like benefits on an adequate scale would be a development of the distant future. In view of the social and economic necessities of the time, to wait for this indefinite future development would be socially and economically undesirable, if not actually dangerous.

The trend among leading concerns for private benefit plans is to modify them and to superimpose them, so to speak, upon the Government plan, rather than to abandon them. A recent study by the National Industrial Conference Board shows that the establishment of a Federal old-age benefit plan has met with hearty approval from a large number of companies now having private benefit plans and is welcomed by the most able and efficient employers.

Criticism has been made of the provisions for reserves on an actuarial basis in connection with the Federal old-age benefit system. The fact is that the reserves provided for would not become large enough to be a problem for 10 or a dozen years, during which time the entire subject—whether reserves are or are not desirable—can and will be studied. If in the years available for this study before the reserve becomes large enough to be a real problem it becomes evident that the actuarial basis should not be applied in a governmental benefit system, it would seem that there would be plenty of time to change it. Certainly before 1980, the date at which the theoretical reserve will be so large as to be very dangerous, according to its critics, the country should have enough experience to know whether the maintenance of a reserve system is desirable or not.

Because of the taxes on pay rolls, the statement has been made that the effect of the act will be to stimulate increased use of labor-saving machinery and hence to depress employment. To this two comments should be made. First, mechanization is going on as fast as possible in all well-managed industries anyhow, and all the time. Indeed, mechanization has advanced so rapidly during the depression as to complicate gravely the unemployment problem, and perhaps to change very greatly the nature of the problem as we knew it in 1929. In highly mechanized industries the cost of labor is relatively small. Hence the 1-percent tax on wages paid in 1936 will not be a large factor in the cost of production. Quite likely it will not be a large-enough factor to justify more mechanization. For it must be remembered that mechanization has its costs which must be amortized over a period of years. Unless mechanization "pays" it will not come any the faster because of the pay-roll tax. If it "pays" it will come anyway.

In those cases in which mechanization is increased it will act as a factor of economy, and should—under sound business management—be reflected in lower prices, which, in turn, will increase real wages to workers and provide an ever-expanding market for greater and greater production. In short, an increase in employment rather than a decrease is perfectly possible.

The stabilizing of purchasing power as a result of the unemployment compensation systems should not be overlooked as one of the desirable economic effects to be expected from the social-security program.

Finally, some of those who do not approve of the Social Security Act sometimes speak of the costs which it adds to business. Just consider for a moment a very simple statement of economic fact—not theory. I refer to the fact that business activity—such as industry, commerce, and agriculture—has to carry the burden of maintaining the entire population in any case. Business carries this cost now, and always has done so. The costs of providing

against economic insecurity are not new, suddenly invented by the sponsors of this legislation. The only thing which is new is the attempt we are making to carry out a more orderly social accounting of the cost. Unemployment and old-age dependency are by-products of our industrial age. They did not exist, comparatively speaking, in the older agricultural economies. They become more intense as burdens as our industrialization progresses.

Industry, either directly or indirectly, bears the brunt of the cost. Under the Social Security Act there is a recognition of the fact, and by way of the pay-roll tax the cost becomes quite legitimately a part of the cost of production. There is no way in which our industrial society can escape the cost of caring for those whom it cannot or will not employ.

The Social Security Act proposes to introduce a more orderly and efficient social method into the handling of these problems than we have had before.

In the statement of the purposes of the act I have attempted not to assume a partisan attitude. Under the British system of government each important department has a minister, who is an advocate for legislation affecting his ministry. No such thing exists in this country.

I still believe that the combined judgment of the electorate is a fair test of the soundness of any governmental policy. Anthropologists tell us that the difference between a man and a monkey is a man's forebrain. He uses it to have an understanding, and when he has an understanding he can make a decision.

I, therefore, feel that it is the duty of every patriotic citizen to inform himself with reference to the matters about which I have just spoken. If this program is a good program and soundly thought out, it will last; if it is entirely bad, it will be repealed; but if it is neither, and there are any mistakes in it, they will be corrected. The Social Security Board invites constructive criticism. We are tackling this job in a spirit of humility; we are not "high hat."

It is the citizen's duty to advise himself of the situation in his State and to discuss the character of State acts with members of his general assembly and with his Governor. There is one thing you can accomplish by informing yourself on this whole subject, and that is to relieve yourself from the influence of uninformed criticism. When you do meet such, you will recognize it.

The provisions of the Social Security Act have been called labyrinthine caves, and the act itself has been referred to by one critic as the new Mammoth Cave.

If such references are based upon correct information, we can have no quarrel with them; if not, they are not worthy of consideration. To illustrate this point, I, upon one or two occasions, have stated publicly that when the good American citizen reads the Social Security Act he is like the Arkansas Delta Negro who was drafted in the World War. He was placed in the labor battalion, trained for a short period, loaded on the train, and shipped to the coast for transportation overseas. He was kept back from the ocean until time to load the boat; then he was marched down to the sea at night and placed in the hold. About 10 o'clock next morning, when the boat was well out on the ocean, he was permitted to come up on deck. He stuck his head above the rail, threw up his hands, and yelled, "Good God, de levee done broke."

I call upon you to determine whether the flood is a damaging and destructive flood, on the one hand, or is the type of flood that is turned out of irrigation ditches in the Rio Grande Valley and California to make good things grow. It is my judgment that it is such a flood as those which occur in the valley of the Nile, in that it places fertility upon barren places and causes things that are both beautiful and life-sustaining to grow where they never grew before.

OLD-AGE PENSIONS

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an address on the subject of old-age pensions delivered by Judge R. L. Williams before the Oklahoma Federation of Women's Clubs at Muskogee, Okla., on April 2, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Madam Chairman and members of the Oklahoma Federation of Women's Clubs, with hesitancy I accepted your invitation to talk to you on the subject of old-age pensions. On account of the judicial position I hold I will not express an opinion relative to such matter but call your attention to some excerpts from decisions of courts on the subject. An initiative act which passed in this State in December last appropriating two and one-half million dollars to be applied for the relief of the needy aged, infirm and crippled, and destitute, creates a State welfare board composed of the Governor, State treasurer, and adjutant general, and further provides that the county commissioners of the several counties shall constitute a welfare board for each county. On yesterday the National Security Board held that this set-up entitled the State to receive aid under the Federal Security Act to the amount of 50 percent under the terms of said act for the benefit of the needy over a certain age and for crippled children and other purposes. It is settled by the decisions of the Supreme Court of the United States that the Federal Government may appropriate and allot to the States moneys in aid of projects which the States are authorized to carry on under their State constitutions and statutes not in conflict with the Federal Constitution.

In *State v. Osawakee* (14 Kans. 419), Mr. Justice Brewer, afterward a Justice of the Supreme Court of the United States, said:

"The relief of the poor—the care of those who are unable to care for themselves—is among the unquestioned objects of public duty. In obedience to the impulses of common humanity, it is everywhere so recognized. . . . It must be borne in mind, however, that the term 'poor' is used in two senses. We use it in one sense simply as opposed to the term 'rich.' Thus, we speak of the ordinary laborers, mechanics, and artisans as poor people, without a thought of describing persons who are other than self-supporting. Indeed, the large majority of our people are poor people, and yet they would feel insulted to be told that they were objects of public charity. We use the term also to describe that class who are entirely destitute and helpless, and therefore dependent upon public charity. The dictionaries recognize this twofold sense. Thus, Webster gives these definitions: '1. Destitute of property; wanting in material riches or goods; needy; indigent. It is often synonymous with "indigent" and with "necessitous", denoting extreme want. It is also applied to persons who are not entirely destitute of property, but who are not rich; as a poor man or woman; poor people. 2. (Law.) So completely destitute of property as to be entitled to maintenance from the public.' Now, when we speak of the relief of the poor as a public duty, and one which may justify taxation, we use the term only in the latter sense. We have no thought of asserting that because a man is not rich, or even because he has nothing but the proceeds of his daily labor, therefore, taxation may be upheld in his behalf. Such taxation would be simply an attempt on the part of the State to equalize the property of its citizens. Something more than 'poverty', in that sense of the term, is essential to charge the State with the duty of support. It is, strictly speaking, the pauper, and not the poor man, who has claims on public charity. It is not one who is in want merely, but one who, being in want, is unable to prevent or remove such want. There is the idea of helplessness as well as of destitution. We speak of those whom society must aid as the dependent classes, not simply because they do depend on society, but because they cannot do otherwise than thus depend. Cold and harsh as the statement may seem, it is nevertheless true that the obligation of the State to help is limited to those who are unable to help themselves. It matters not through what the inability arises—whether from age, physical infirmity, or other misfortune—it is enough that it exists. It is doubtless true that in the actual administration of the poor laws many who are not properly entitled thereto receive public support; but failures in the administration of laws do not change the principles upon which they must rest."

In *Jones v. City of Portland* (245 U. S. 217) it is stated:

"It is well settled that moneys for other than public purposes cannot be raised by taxation, and that exertion of the taxing power for merely private purposes is beyond the authority of the State."

In *Green v. Frazier* (253 U. S. 238) it is said:

"This legislation was adopted under the broad power of the State to enact laws raising by taxation such sums as are deemed necessary to promote purposes essential to the general welfare of its people. Before the adoption of the fourteenth amendment this power of the State was unrestrained by any Federal authority. That amendment introduced a new limitation upon State power into the Federal Constitution. The States were forbidden to deprive persons of life, liberty, and property without due process of law. What is meant by due process of law this court has had frequent occasion to consider. . . . The due process of law clause contains no specific limitation upon the right of taxation in the States, but it has come to be settled that the authority of the States to tax does not include the right to impose taxes for merely private purposes. . . . It is claimed, however, that the citizen is deprived of his property without due process of law, if it be taken by or under State authority for any other than a public use, either under the guise of taxation or by the assumption of the right of eminent domain. In that way the question whether private property has been taken for any other than a public use becomes material in this court, even where the taking is under the authority of the State instead of the Federal Government."

To levy taxes to raise money to be expended by the Government, or under its direction and supervision, in the support of those who are actually destitute, helpless, and dependent upon the Government or private charity for shelter, food, and clothing is a proper function of the Government and not inhibited by the fourteenth amendment. But to levy taxes to be collected and paid over to citizens or residents of the State solely because they have reached a certain age and do not have an income, which in the opinion of some is not sufficient, or if they have adequate income if it comes in the way of pension from other source and without regard to how much property they may have, and without regard as to whether they have infirmities which render them helpless and therefore destitute, and without regard as to whether they are able but decline to obtain employment, which money so handed over to them becomes their own to be expended free from the control or supervision of the State and which may be spent either for themselves or for others, is a question for serious consideration, in view of the agitation for the adoption of various so-called old-age-pension provisions.

I have not noticed any public discussion as to any limitation of the power to provide for old-age pensions by taxation. For that reason I have called your attention to these decisions.

In *State v. Edmondson* (88 Ohio St. 625, 89 Ohio St. 351, 106 N. E. 41) it was held that a statute levying taxes for the support

of certain classes which made no provision "to insure the application of the money to the support of the individual or to prevent him from becoming a public charge, or in any manner to control its use by him", was evidence on its face that the taxes were not levied for a public purpose, but that it was a "gratuitous annuity, a gift pure and simple, and, being so, the legislature is without authority to make it from the public funds."

"Taxation originates from and is imposed by and for the State" (*Allen v. Jay*, 60 Me. 128; *Hanson v. Vernon*, 27 Iowa, 27, 47; *Matter of Washington Avenue*, 69 Pa. St. 352, 363; *Sharpless v. Mayo, etc.*, 21 Pa. St. 147).

In *Busser v. Snyder* (128 Atl. 80 (Pa.)) was under consideration an act which had provided for paying pensions to persons above the age of 70 years who were and had been citizens of the State for 15 years, excepting, however, persons in prison, insane asylums, or reform institutions, and persons who had deserted wife, husband, or child, professional tramps and persons who had children or other relatives financially able to support them, and persons whose property, or whose property in conjunction with the property of his or her spouse, exceeded in value \$3,000; and further provided, that where assistance was given to one having property, on the death of that person, the State should be repaid the amount given as assistance from the recipient's estate with interest at 3 percent per annum. The amount to be paid under the act was \$1 per day. The court in its decision distinguishing that act from acts granting pensions for military service said:

"Pensions or gratuities for military service are in the nature of compensation for a special and highly honored service to the State, implying the idea of a moral obligation on the part of the Government; charity and benevolence are not founded on this consideration."

The court held it was within the constitutional power of the State to appropriate money with which to support the destitute and helpless who were without ability or means to sustain themselves and said:

"They become direct charges on the body politic for its own preservation and protection. As such, in the light of an expense, they stand exactly in the same position as the preservation of law and order. To provide institutions, or to compensate such institutions, for the care and maintenance of this class of persons, has for a long time been recognized as a governmental duty. . . . The expenditure of money for such purposes is and long has been recognized as a function of government."

The Supreme Court of New Hampshire, in *re Opinion of the Justices* (154 Atl. 217), said that a law making age the only test of relief would violate the constitutional prohibition against taxation for private purposes and also violate the constitutional principle of equality of rights, and further that statutory classification, to be valid, must reasonably promote some proper object of public welfare or interest, and may not be sustained where the selection and grouping is so arbitrary as to serve no useful purpose of a public nature. And cited a long list of authorities to show that when the pension is granted it must be to those who are unable to support themselves either in whole or in part and who have no relatives able and willing to support them and responsible for such support under the law.

On January 4, 1917, whilst Governor of the State of Oklahoma, I transmitted a message to the legislature, from which I quote, as follows:

"It is equally as high a duty for the State to look after its unfortunate—the infirm, the sick, afflicted—as much so as it is essential to educate the mind. The question of the care of the poor all through Anglo-Saxon government and development has been a matter of local or municipal concern, but in modern development and efficiency in some States it is also being done through State agencies. . . ."

"I recommend that you consider the advisability of establishing a State home for the aged and infirm and of converting some State institution that is already existing into such a home. The State can have its farm and its hospital and all the agencies to make such a home a success without so much expense per capita as is occasioned by counties."

During the session of the Fifth Oklahoma Legislature, whilst I was Governor of the State (see Session Laws, 1915, ch. 246, art. 1), what is known as the workmen's compensation law was passed and approved March 22, 1915. The placing of said act into effect disclosed that some former employees who had passed the age of 50 years, on account of the passage of said act, were not as desirable employees, in that younger employees were more readily accepted.

It was contended that this was on account of the fact that the manufacturer would be more liable for compensation on account of accidents or sickness where the employee had reached the age of 50 years or more, that the younger employee was more desirable and less hazardous. We then began to investigate as to the power of the State, as well as the advisability, to provide State compensation in that particular contingency for former employees who were thus thrown out of employment on the theory that the passage of the act precipitated such condition causing the former employee who had reached 50 or more years of age to be at a disadvantage in procuring initial employment after the passage of said act, yet who in fact were efficient, the liability for compensation being more likely in his case than that of a younger person, and also contemplating the passage of an act prohibiting the discharge of any employee who continued or was taken into employment on account of age after the passage of the act and the placing in operation the Compensation Act. However, our Nation was swept into the World War before we were able to complete this investigation as to the limitations of the fourteenth

amendment resting upon the State in such matter, and then for a year and a half the resources of our State were directly solely toward the support of the Federal Government in that great conflict. After the war there was such an apparent era of prosperity that it was thought then we would have the poor with us no longer. These problems now confronting us have to be met with common sense and fidelity and we must discharge our duty to the poor and the helpless and the indigent in the light of what is right, at the same time measuring the fundamental limitations of our Government. These problems should be worked out carefully, justly, honestly, and efficiently. I am not attempting to decide these fundamental questions, but I call same to your attention for they must be considered, for if these provisions become a law undoubtedly their constitutionality will be tested.

The act of Congress of the United States approved August 14, 1935, which is known as the Federal Social Security Act, sections 1 to 6 of which provide for old-age assistance; sections 1001 to 1006 aid to the blind; sections 401 to 406 aid to dependent children; sections 501 to 505, aid for maternal and child health; sections 511 to 515 aid for crippled children; section 521 aid for child welfare; sections 601 to 603 aid for public health, contemplates a State plan providing for each type of assistance, aid, or service which must be submitted by the State to the designated Federal administrative agency for approval, and meet its approval before Federal assistance is granted.

There are eight kinds of new grants-in-aid provided in the Social Security Act as well as an additional appropriation for vocational rehabilitation. In five instances grants are conditioned upon stipulated matching expenditure by the States under plans which meet stated requirements and have been formally approved by a designated Federal agency. These five include grants-in-aid of State expenditures for the promotion of maternal and child health (title V) and of State assistance to four types of needy individuals, to-wit: aged persons (title II), blind persons (title X), dependent children (title IV), and physically handicapped children (title V). In two cases, that of grants-in-aid of public health services (title VI) and in aid of child welfare services in rural areas (title V), no conditions are attached to the Federal grants except that the funds be expended by the States for the general purposes for which the grants are made. The eighth grant is designated to finance the entire cost of administration of unemployment compensation in States which have approved plans (title III).

Disregarding the last-mentioned grant, which is for purely administrative ends, much the largest expenditures are contemplated in the field of old-age assistance, and the amount appropriated for this grant is more than the total of the appropriations for all the other grants-in-aid. States that meet specified conditions will be given half of their total disbursements for their needy aged (other than those maintained in public institutions), with the limitation that in computing the Federal share anything paid by the State to any one person in excess of \$30 in 1 month will not be counted.

The actual amount of assistance to be paid by the various States is left to their own discretion. The chief conditions which must be met for Federal approval of a State old-age-assistance plan are:

1. Financial participation by the State.
2. Establishment of a State supervisory administrative authority.
3. Right of appeal of applicants for assistance to this State authority.
4. An administrative plan which is deemed satisfactory by the Federal administrator.
5. The granting of assistance at least to all persons of qualifying age (70 years until 1940, 65 years thereafter) who are citizens that have resided in the State for 5 years or more within the 9 years immediately preceding application and are without reasonable subsistence income.

The failure to include in these conditions a specific monetary amount for the minimum State old-age assistance allowable is an acknowledgment of the great regional variations in cost and standard of living in the United States.

Approximately the same conditions as those required for the old-age-assistance grant must be met by the States in qualifying for the Federal grants-in-aid for assistance to the blind and to dependent children. The grant for the dependent blind is like that awarded for the dependent aged, i. e., 50 percent of the State expenditures, but in the case of assistance to dependent children the Federal offer is only one-third (instead of one-half) of the amount spent by the State. The grants for aid to crippled children and to maternal and child-health services are stated in terms of definite money amounts to be divided among the States with the requirement that the States make specified appropriations from their own treasuries.

The program of Federal aid to the States conditioned upon State expenditures involves no Federal guaranty of aid to needy or handicapped individuals unless the State participates. Some States may make no provision, and, unless the individual State is willing to bear its part of the burden, no Federal contribution will be payable. Experience indicates, however, that the Federal offer to match State expenditures does stimulate State action, and it may be anticipated that increased provision will be made for these dependent groups as a result of the Federal offer to share the cost with the States.

The grants for the promotion of general public health services and child-welfare agencies in rural areas (stated in terms of specific monetary amounts), as remarked previously, are not conditioned upon any State appropriations for the specified services.

In the case of the grants-in-aid of assistance to the aged and the blind and to dependent children, and of the grant for administration of unemployment compensation schemes, the Federal agency from which approval of State plans must be elicited, is the Social Security Board. The Children's Bureau in the Department of Labor is given administrative control of the grants for maternal and child health, for crippled children, and for child welfare. The Public Health Service is directed to administer the grant-in-aid of general public-health services (title VI).

The following States, in addition to Oklahoma, have submitted plans which have been approved and allotments made as follows:

Old-age assistance:

Alabama	\$105,000.00
Delaware	83,075.00
Iowa	548,100.00
District of Columbia	47,250.00
Maryland	168,000.00
Michigan	346,500.00
Mississippi	183,750.00
Missouri	315,000.00
Nebraska	347,130.00
New Hampshire	58,800.00
Rhode Island	30,000.00
Vermont	43,544.34
Washington	420,000.00
Wisconsin	393,750.00
Wyoming	55,944.00
Idaho	157,500.00

Aid to the blind:

Arizona	4,725.00
Connecticut	5,520.00
District of Columbia	9,450.00
Idaho	6,300.00
Maine	26,250.00
Mississippi	8,820.00
Nebraska	15,540.00
New Hampshire	5,040.00
North Carolina	3,324.99
Wisconsin	52,149.99
Wyoming	4,161.40

Aid to dependent children:

Arizona	32,120.00
Alabama	48,000.00
District of Columbia	45,810.56
Idaho	10,133.33
Maine	39,555.33
Maryland	92,400.00
Mississippi	32,355.33
Nebraska	75,878.00
New Hampshire	8,720.00
Washington	95,505.00
Wisconsin	200,000.00
Wyoming	8,696.53

Unemployment compensation:

New Hampshire	44,188.32
New York	181,949.41
California	39,943.74
Wisconsin	17,669.91
District of Columbia	12,239.25

New York State, with a population of 12,588,066, as against that of Oklahoma of 2,396,040, or 5.25 times as great, in the fiscal year, July 1, 1933, to June 30, 1934, paid a total in old-age pensions of \$12,441,921 without Federal Government aid. There was an average number of pensioners on the rolls during that year of 51,272, and drew an average of \$20.22 per month each.

In December 1935 New York State had only 57,878 pensioners on the rolls, and was paying them an average, without Federal aid, of \$21.31 per month each.

The New York law has been in effect since September 1, 1930.

Using the maximum number on their rolls in December 1935, namely, 57,878, and which after more than 5 years of operations, and figuring on the basis of ratio of population, then Oklahoma should only have a maximum of 11,024 on her rolls at the end of a 5-year period. Figuring the maximum allowance from the State of \$15 per month as the average, then old-age pensions or aid in Oklahoma should not cost above \$1,948,320 per year, not including a like amount as aid from the Federal Government under the Social Security Act.

New York State has a much more rigorous climate, largely urban population, and population much more dense, and with living costs, want, and distress much greater, and therefore proportionately should have a much larger percent of her population on the pension rolls.

The State of Michigan, with two and two one-hundredths times our population, with a colder climate and higher living conditions, at the present time has only about 20,000 old-age pensioners on their rolls.

Figuring on the basis of ratio of population and paying the maximum of \$15 per month on the part of the State, then Oklahoma should have 9,901 pensioners on the rolls and at a cost to the State of only \$1,782,180 per year.

The State of Massachusetts, with one and seventy-seven one-hundredths times our population, much more unfavorable climate, larger percent of urban population, and almost wholly industrial, on February 1, 1936, only had 26,168 old-age pensioners on their rolls. Figuring on the basis of ratio of population

Oklahoma should only have on her rolls 14,784 pensioners, and paying the maximum of \$15 per month, it should only cost Oklahoma \$2,661,120 per year.

The State of Iowa, with 1.03 times our population, on June 30, 1935, had only 10,120 old-age pensioners on their rolls; and, figuring on a basis of ratio of population, Oklahoma should only have on her rolls 9,825 pensioners; and, paying them the maximum of \$15 per month, the total cost of old-age pensions or aid to Oklahoma should be \$1,768,500 per year.

As the initiative act passed last December creates the State welfare as well as the county welfare boards to handle such matters, being a State-wide comprehensive act, our State has a set-up now which can act without constitutional amendment and has the power to make appropriations for the maintenance of the aged and infirm where it does not violate the fourteenth amendment. By special provision in the Oklahoma State Constitution the several counties of the State (sec. 3, art. 17) are empowered as the legislature may prescribe to provide for those inhabitants who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of the county. The fact that the county is thus specially authorized to render such aid does not operate to take that authority away from the State through act of the legislature. Section 36, article 5, of the constitution provides:

"The authority of the legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this constitution, upon any subject whatsoever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever."

The legislature of the State may provide for those inhabitants who by reason of age, infirmity, or misfortune may have claims upon the sympathy and aid of the State, and may resort to all proper subjects of taxation to raise this fund without additional amendment of the Constitution. The expeditious action upon the part of the legislature, which has unlimited power by means of direct inheritance, excise, income, and every subject of taxation except on an ad-valorem basis, to raise the revenue sufficient to cooperate with the Federal Government in the operation of the Federal Social Security Act in carrying aid to the needy, aged, and infirm so that the maximum amount of aid in such cases will amount to \$30 per month and also extend the aid to crippled children and to promote health and carry out all other such aid provided for in the Federal Social Security Act.

As you had made the earnest request that I make this address, I have brought these matters to your attention to aid you in the consideration of your proper action in the premises.

In the invitation extended to me to make this address I was requested to cover the old-age-pension matter and have accordingly directed my attention to the matters as herein outlined. The Federal Government having provided aid as to this matter and it being essential to the State to enact and provide a plan to meet these conditions, I thought it advisable to call attention to the limitations imposed by the fourteenth amendment on the State, and the decisions from State supreme courts relative thereto. That being so it seems to me that the State should speedily act, but be reasonably sure that the plans are within these limitations, and get this aid to the needy with the greatest speed. Then if the parties that are agitating further extension, we can consider that later, for if we go that far now it will lead to litigation and delay. In other words we should travel along a safe line so as to speedily obtain this assistance for the needy aged and the needy infirm and to aid unemployment and aid dependent children and aid maternal and child welfare and aid public health. Endeavor to get this relief, but in doing so we should exercise reasonable care not to adopt State constitutional provisions or State laws that may not meet the test of the fourteenth amendment, and to exercise such care to stay within safe limits and speedily get this assistance. Then if there are those that want to go further, then they may try that feature out later, but for the present we should try it out on safe lines.

[From the Tulsa (Okla.) World of Apr. 5, 1936]

LAW VALIDATES OLD-AGE FUNDS—CONSTITUTIONAL AMENDMENT UNNECESSARY, SAYS UNITED STATES JURIST

MUSKOGEE, April 4.—Widespread favorable reaction was heard here today following the address which Federal Judge R. L. Williams made before clubwomen this week, declaring that Oklahoma does not need a constitutional amendment in order to participate in the national administration's social-security program.

Of interest was the fact that Judge Williams' statement as well as a decision of the National Social Security Board at Washington, D. C., is in direct contradiction to the contention of Governor Marland, who declared that the State must vote a constitutional amendment before it can share in such a relief program.

Judge Williams' talk to the convention was prepared before the National Board had made its decision favorable to Oklahoma but unfavorable to Kansas, a State, which it said, would be required to vote the constitutional amendment in order to take part in the relief program.

The national administration's old-age assistance program is limited to needy aged people.

In the opinion of Judge Williams "a tax could be levied without limitation in Oklahoma to support the poor and aged and indigent, provided it was not an ad valorem tax. This State does not need to change its constitution in order to take part in such a program."

He was of the opinion that the National Board correctly interpreted the law when it ruled in favor of Oklahoma.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On May 19, 1936:

S. 427. An act authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora grant, New Mexico; and

S. 1975. An act to authorize certain officers of the United States Navy, officers and enlisted men of the Marine Corps, and officers and enlisted men of the United States Army to accept such medals, orders, diplomas, decorations, and photographs as have been tendered them by foreign governments in appreciation of services rendered.

On May 20, 1936:

S. 3483. An act to provide for rural electrification, and for other purposes.

NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. COPELAND. Mr. President, we turn now to page 107, section 6, providing for authorizations for preliminary examinations and surveys. It is desired to add a number of amendments to this section. At this time it would be proper for the Senator from California [Mr. JOHNSON] to present his amendments.

Mr. JOHNSON. Mr. President, I send to the desk an amendment, for which I ask consideration.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 112, after line 24, it is proposed to insert "Ventura River, Calif."; and on page 113, between lines 12 and 13, to insert "Mad River, Calif."

Mr. COPELAND. There is no objection to the inclusion of the surveys. They are acceptable to the committee.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. NORRIS. Mr. President, on page 111 of the bill, where quite a number of surveys are authorized, I think there is a typographical error. In line 24, reference is made to the "Republican River, Kans." Most of the Republican River is in the State of Nebraska. I suggest an amendment so the clause will read "Republican River, Nebr. and Kans."

Mr. COPELAND. Mr. President, that was an inadvertence on the part of the committee. We did not realize there were so many Republicans in Nebraska. It was intended that it should cover the Republican River in Nebraska and Kansas.

Mr. NORRIS. The Republicans of Nebraska ought to be taken care of just as are the Republicans of Kansas.

Mr. COPELAND. It will be acceptable to the Democrats on the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, line 24, after the word "River", insert the words "Nebr. and", so as to read "Republican River, Nebr. and Kans."

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, is the Senator from New York accepting amendments to the survey section?

Mr. COPELAND. That is correct.

Mr. McNARY. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 113, between lines 13 and 14, it is proposed to insert the words:

Coos River and tributaries, Oregon.

The amendment to the amendment was agreed to.

Mr. SHEPPARD. Mr. President, I send to the desk three amendments to the survey section, for which I ask consideration.

The PRESIDENT pro tempore. The clerk will report the first amendment offered by the Senator from Texas.

The LEGISLATIVE CLERK. In the committee amendment, on page 111, between lines 3 and 4, it is proposed to insert the following:

Colorado River, Tex., above the county line between Coke and Runnels Counties.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 111, line 6, after the word "Texas", it is proposed to insert a comma and the words "and tributaries", so as to read:

Nueces River, Tex., and tributaries.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The third amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 111, between lines 9 and 10, it is proposed to insert the following:

Leon River, Tex.
Sulphur River, Tex.
Pease River, Tex.

Mr. COPELAND. There is no objection.

The amendment to the amendment was agreed to.

Mr. BYRNES. Mr. President, I offer two amendments to the survey section of the bill.

The PRESIDENT pro tempore. The first amendment of the Senator from South Carolina will be stated.

The CHIEF CLERK. In the committee amendment, on page 114, after line 22, it is proposed to insert:

Congaree, Wateree, Santee, and Cooper Rivers, S. C.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the Senator from South Carolina will be stated.

The CHIEF CLERK. In the committee amendment it is proposed to add at the end of section 6, the following:

Edisto River and tributaries.
Great Pee Dee, Lynches, Little Pee Dee, and Waccamaw Rivers, S. C.

Mr. COPELAND. There is no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. MURRAY. Mr. President, I send to the desk an amendment to be inserted in the section relating to surveys.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 115, after line 13, it is proposed to insert:

Hungry Horse Dam, Mont.

Mr. MURRAY. Mr. President, this project was included in previous bills and already surveys have been made. We merely wish to have them completed.

Mr. COPELAND. There is no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. DUFFY. Mr. President, I desire to propound an inquiry to the Senator from New York. On page 112, line 8, appear the words "Fox River and tributaries, Wisconsin." I understand the War Department understand and believe that that includes the Wolfe River?

Mr. COPELAND. That is correct. That is the understanding.

Mr. CLARK. Mr. President, on page 53, lines 13 to 18, in the bill, as passed by the House and stricken out as reported to the Senate, appears an item relating to the St. Francis River in Missouri and Arkansas. As an amendment to the committee amendment I move to insert at the proper place the language appearing in the House provision.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 70, between lines 2 and 3, it is proposed to insert the following:

St. Francis River in Missouri and Arkansas: For flood control by levees and/or levees and reservoirs to protect 1,225,200 acres of land; House Document No. 159, Seventy-first Congress, second session, and Committee Document No. 1, Seventy-fourth Congress, first session; estimated cost, \$16,000,000.

Mr. COPELAND. Mr. President, this was considered by the Army Engineers.

Mr. ROBINSON. It was in the original House bill?

Mr. COPELAND. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri to the committee amendment.

The amendment to the amendment was agreed to.

Mr. OVERTON. Mr. President, I offer an amendment to the survey section of the bill. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 2, it is proposed to insert "Mermentau River, La."

Mr. COPELAND. There is no objection.

The amendment to the amendment was agreed to.

Mr. BACHMAN. Mr. President, I send to the desk an amendment, which I offer.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place in the committee amendment it is proposed to insert the following:

MISSISSIPPI RIVER

Tiptonville to Obion River, Tenn.: Construction of the levee designated as plan 1 for the protection of the towns of Tiptonville, Ridgely, and various smaller communities; and agricultural lands in Lake, Obion, and Dyer Counties, Tenn.; in accordance with House Document No. 188, Seventy-second Congress, first session; estimated construction cost, \$730,000.

Mr. BACHMAN. Mr. President, this has received the approval of the Army Engineers and is a continuation of a project which is now in operation.

Mr. COPELAND. This item was given consideration by the committee. It has been approved by the Army Engineers, and is acceptable.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee to the committee amendment.

The amendment to the amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, when the bill passed the House there were included some 20 projects in my State. I am not a member of the committee, and, therefore, did not appear in favor of any of the projects. In considering the 20 projects, the Senate committee found 8 of them had been examined by the proper authorities and approved. Therefore, the committee included in the bill the projects which met the requirements. Those which did not meet the requirements were omitted.

The projects which did not meet the requirements have been surveyed and examined, but the reports are not complete. The surveys are in various stages of completion. I move to amend the bill by inserting at the end of section 6 the projects to which I have referred, so the surveys may be completed and the final report made hereafter. I shall add one additional project to those which were contained in the House bill, and that is the first one relating to Kenton Reservoir. That is in what is known as the dust zone in the corner of five States, New Mexico, Colorado, Texas, Oklahoma, and Kansas. It is on the Cimarron River, and, if it should be finally approved, it would afford a very large amount of labor for the people in distress in the center of the dust zone.

Mr. COPELAND. The Senator desires that the Kenton project be inserted in the survey section?

Mr. THOMAS of Oklahoma. Yes. The others were contained in the House bill.

Mr. COPELAND. The Senator desires they should be added to the survey section?

Mr. THOMAS of Oklahoma. That is correct.

Mr. COPELAND. There is no objection.

The PRESIDENT pro tempore. The amendment of the Senator from Oklahoma will be stated.

The CHIEF CLERK. In the committee amendment it is proposed to add at the end of section 6 the following:

Kenton Reservoir, Cimarron River, Okla.
Eufaula Reservoir, Okla.
Pensacola Reservoir, Okla.
Markham Ferry Reservoir, Okla.
Fort Gibson Reservoir, Okla.
Wister Reservoir, Okla.
Oologah Reservoir, Okla.
Braman Reservoir, Okla.
Mannford Reservoir, Okla.
South of Antwine, levees on Chikaskia River, Okla.
Tulsa and West Tulsa levees on Chikaskia River, Okla.
Tenkiller Ferry Reservoir on Illinois River, Okla.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was agreed to.

Mr. NYE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 112, in the committee amendment, after line 2, it is proposed to insert "Souris River, N. Dak."

The amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Georgia?

Mr. COPELAND. I do.

Mr. RUSSELL. I desire to take the floor in my own right to offer an amendment.

Mr. COPELAND. Is it an amendment outside of section 6?

Mr. RUSSELL. It does not pertain to section 6.

Mr. COPELAND. Would the Senator be willing to wait a moment until we perfect section 6, unless he is in a hurry?

Mr. RUSSELL. I am in no particular hurry.

Mr. COPELAND. Is this a survey or a project?

Mr. RUSSELL. It is a project.

Mr. COPELAND. Then I should be glad if the Senator would be good enough to wait a moment.

Mr. RUSSELL. Mr. President, I prefer to offer the amendment now; and, if it shall be voted down in the form in which I offer it, I shall ask to modify it so as to make it a survey project.

I send the amendment to the desk and ask to have it stated.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

The Townsend area and Butlers Island on lower Altamaha River in Georgia: To protect people and 84,000 acres of land, including reconstruction of levees destroyed by floods of April 1936; referred to in House Document No. 68, Seventy-fourth Congress, first session; estimated construction cost, \$225,000.

Mr. RUSSELL. Mr. President, this amendment does not comply with the rule which has been arbitrarily adopted by the committee in considering flood-control projects. However, I am sure this proposal is much more meritorious than many that are contained in the bill. It involves only a small sum of money; but the expenditure of this sum of money will be very far reaching and will confer great benefits on a section which has suffered from floods periodically for many years, causing great damage to property and rendering practically useless 84,000 acres of tillable land in the lower Altamaha Basin.

It is true that those who live in this section and those who suffer great damages from the periodic floods do not have the benefit of the larger newspapers which carry throughout the

country the report of those floods and therefore insure the sufferers receiving consideration in what is known as a dramatic flood area. However, one of them did possess a camera, and I have on my desk photographs which disclose the great damage that has been done there to farm lands, to farm residences, and to very valuable properties.

Mr. President, when it is considered that for the cost of \$225,000, 84,000 acres of land may be protected from the floods which have come from time to time throughout the past several years, rendering this section practically uninhabitable, I believe this proposal will appeal to the sense of fairness and justice of the Senate even though it did escape the attention of the Army Engineers.

Those facts are disclosed by the Report of the Board of Army Engineers, contained in House Document 68, Seventy-fourth Congress, first session. I may say that at the time this survey was made it was instituted by the Board of Engineers to determine the navigability of the river rather than the practicability of a flood-control project, and perhaps for that reason the project was not included in the bill among those which are regarded as of paramount importance.

The report shows that in the 1925 flood about 83,000 acres of the Townsend area and 300,000 acres of the remainder of the floodway were inundated. Total damages were estimated at about \$2,500,000 in this one flood. The district engineer estimates the average annual damage as about \$108,000. I hope the members of the committee will bear in mind that statement. The average annual damage is \$108,000, of which he assigns \$18,000 to the Townsend area and \$90,000, or 30 cents per acre, to the river valleys proper. The report says:

Butler and Champney Islands, in the delta of the river, have also been protected by levees to the extent considered justifiable.

Since that report was made, within the past 6 weeks, a flood in this valley has attained such proportions that it has broken the levees that were considered justifiable. Levees erected, if you please, at the cost of individuals, without any air or assistance whatever from the Federal Government, were washed away, and great damage was done there to a model dairy farm, which perhaps some Members of the Senate have seen if they have ever traveled what is known as the coastal highway from the northeast into Florida.

Mr. President, I cannot see why this amendment, involving as it does a small sum of money which will render great benefits to this large body of 84,000 acres of land at a cost of only \$225,000, should be meted out the dire punishment that is threatened to any of those that have not been heretofore recommended by the Board of Army Engineers. The report of the Board of Engineers shows the great damage; it shows the small amount that is necessary to correct it; but because the survey was made from the standpoint of determining the navigability of the river it was not recommended, because it was not economically feasible to make the river navigable.

I feel that this amendment should be the one exception to the rule—that the Senate itself should legislate, and adopt the amendment, and afford relief to the people of the delta area of the Altamaha River.

Mr. COPELAND. Mr. President, the Senator from Georgia is now a friend of mine, but he is numbered among those who will not be friends of mine when I get through with this bill, because, meritorious as this project is from the human standpoint, it does not conform to the principle we have already established in the Senate in our declaration of policy.

This project has been surveyed by the Army Engineers. The Board has taken into consideration the recent dramatic occurrences; and, with sorrow in my heart, I must say that a project which costs, as the Senator now says, \$225,000, and which was originally presented at \$300,000, would not be justified when the capitalized value of the losses is less than \$133,000.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. RUSSELL. The figure given by the Senator from New York is that found by the Board of Army Engineers in the original survey on which the report was made, prior to the recent flood, is it not?

Mr. COPELAND. The Board of Army Engineers have given consideration to the matter since the flood. They have not been able to make a complete survey since the flood; but they advise me now that on the basis of the information they have had since the last flood, together with the survey actually made, the project would not be justifiable, would not be considered meritorious; and I am sorry that the committee must resist the amendment.

Mr. RUSSELL. Mr. President, I am frank to say that I cannot understand any report concluding an expenditure of \$225,000 to protect 84,000 acres of land is not justifiable. The Senate is supposed to have some power of reasoning and some common sense; and I dare say that not a single Member of the Senate would say that if 84,000 acres of land located anywhere could be protected from periodic floods for this small sum, the expenditure would not be justified.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. RUSSELL. Mr. President, I move to amend the committee amendment in section 6 by adding the "Altamaha River and its tributaries in Georgia" among the projects to be surveyed for flood-control purposes.

Mr. COPELAND. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President, I am so firmly and profoundly convinced of the merit and justice of the proposal that I shall be glad to have the Board of Army Engineers investigate the project, so that at the next session the Senate may consider their report.

Mr. COPELAND. I wish to set myself right so far as I may with the Senator, and say that I will help him all I can to get a survey.

Mr. MINTON. Mr. President, I have had printed and placed upon the desk an amendment which I now offer.

The PRESIDENT pro tempore. The amendment offered by the Senator from Indiana to the amendment of the committee will be stated.

The CHIEF CLERK. In the committee amendment, on page 92, it is proposed to strike out lines 2 to 6, inclusive, in the following words:

Momence, Ill.: Lower rock ledge and dredge upstream for flood control and drainage improvement to agricultural communities in Illinois and Indiana; House Document No. 784, Seventy-first Congress, third session, estimated construction cost, \$2,540,000.

Mr. MINTON. Mr. President, this amendment probably will not meet with much resistance. It is unique in its character, in that it does not seek to put anything more in the bill, but seeks to take out \$2,540,000 now included in the bill for the drainage of the Kankakee River Basin.

In support of this amendment I send to the desk, to be incorporated in the RECORD at this point, two letters, one from the head of the conservation department of the State of Indiana and the other from the chairman of the planning board of the State of Indiana.

The PRESIDENT pro tempore. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

DEPARTMENT OF PUBLIC WORKS,
Indianapolis, April 21, 1936.

HON. SHERMAN MINTON,
Senator, Washington, D. C.

DEAR SHAY: For more than a year this department and the more than 100,000 sportsmen and conservationists in Indiana have been fighting a threat of further drainage in the Kankakee area.

On June 19, 1935, a meeting was held at Momence, Ill., presided over by Mr. H. W. Fox, of St. Louis, Mo., who claimed to be the secretary of the Mississippi Valley Association. We think this association was formed to accomplish certain drainage projects for interested engineering companies throughout the United States.

The proposed work can accomplish absolutely no good for Indiana and the only purpose it could serve would be to drain a large area of land unsuitable for agricultural purposes.

A few days ago I found that H. R. 8455, passed by the House of Representatives and printed on July 29, 1935, carried a number of flood-control items, among which was a \$2,540,000 appropriation for drainage work in Indiana and Illinois on the Kankakee River. Since the bill has already passed the House, our only course is to

have an amendment made in the Senate which would eliminate the appropriation that, in our opinion, should not be made.

Mr. John Wheeler is familiar with this entire situation and has made a trip to Illinois to study the drainage that has been proposed. He also has a complete understanding with Mr. Robert Kingery, who is head of the department of public works for Illinois. In addition to Mr. Wheeler's knowledge, Mr. James Vandebark has been in touch with the entire Kankakee question insofar as the conservation department is interested and is therefore in a position to furnish you with reliable information.

You will receive a letter within a few days from both Jim and John, and my purpose in writing this letter is to assure you that we are in earnest and will greatly appreciate your cooperation in preventing this money being included in the bill as it passed the House of Representatives.

With kindest personal regards, I am,

Sincerely yours,

V. M. SIMMONS, Commissioner.

STATE PLANNING BOARD OF INDIANA,
Indianapolis, Ind., April 21, 1936.

HON. SHERMAN MINTON,
Senate Office Building, Washington, D. C.

DEAR SENATOR: We note that there is a bill in Congress (H. R. 8455) which would make it possible for the Federal Government to take out a rock ledge in the Kankakee River near Momence, Ill. The expense of this would be very great, running over \$2,000,000, and those best acquainted with the Kankakee marsh will agree that it will be of no particular benefit. If the water level in the Kankakee marsh is lowered, the thin top soil will blow away, and in my opinion, the land adjacent to the Kankakee River is not as fertile as it was before the previous drainage projects were completed.

Another objection that we have in Indiana to lowering the water table in the Kankakee Valley is the hope that some day the Conservation Department can restore the old Kankakee marsh, partially at least, to the great game country that it originally was. It was without doubt the best duck marsh in the United States, before it was drained, and would be worth much more to the owners if it had not been drained, as it is poor farm ground. I am confident that Indiana would be best served by not lowering this water level.

Yours very truly,

STATE PLANNING BOARD OF INDIANA,
JOHN W. WHEELER, Chairman.

Mr. COPELAND. Mr. President, not only has the committee no objection to this amendment, but it desires also at the proper time to have a gold medal struck off, in order that we may decorate the Senator from Indiana for proposing a reduction in the amount of the bill by \$2,540,000. It ought to insure his election forever and ever from the State of Indiana.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. GIBSON. Mr. President, in connection with the portion of the bill authorizing preliminary examinations and surveys, I offer the amendment which I send to the desk to be inserted at the proper place in the bill.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 114, line 23, it is proposed to insert the following:

Passumpsic River, Vt.
Winooski River, Vt.
Dog River, Vt.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I now desire to present some other authorizations of surveys. I think the Senator from South Carolina has already presented amendments dealing with the Congaree, Wateree, Santee, and Cooper Rivers of South Carolina, and the Edisto River and tributaries, Great Pee Dee, Lynches, Little Pee Dee, and Waccamaw Rivers, in South Carolina.

I have several amendments here which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the first amendment presented by the Senator from New York.

The CHIEF CLERK. In the committee amendment, it is proposed to insert at the proper place the following:

Big Blue River, an affluent of the Kansas River.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, the Senator from Kansas is also desirous of having a preliminary examination and

survey for flood control of the Cow Creek drainage area. The committee has no objection to the survey, but if the project is so changed in scope as to substitute a reservoir plan it should only be after a report is submitted to and acted on by Congress. Therefore, so far as the committee is concerned, it is agreeable to the survey.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 73, line 7, after the numerals "\$1,050,000", it is proposed to insert:

Provided, That \$10,000 of this amount be made available for a preliminary examination and survey for flood control of the Cow Creek drainage area and that the Chief of Engineers be, and he is hereby, authorized, in his discretion.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, the Senator from California [Mr. JOHNSON] presented an amendment to have the Mad River surveyed. That amendment has been agreed to, has it not?

Mr. JOHNSON. It was agreed to this morning.

Mr. COPELAND. The Senator from Kentucky [Mr. LOGAN] is interested in several amendments, and perhaps he would like to offer them now.

Mr. LOGAN. I should like to have them considered.

Mr. COPELAND. The committee has no objection to the inclusion of the rivers covered in the amendments offered by the Senator from Kentucky.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 114, after line 22, it is proposed to insert:

The Big Sandy and its tributaries, Kentucky.
The Licking River and its tributaries, Kentucky.
Mud River and Wolfe Creek, Kentucky.
Rough River and its tributaries, Kentucky.
Nolin River and its tributaries, Kentucky.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I think the next amendment relates to Louisiana, and perhaps that has been acted on.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 111, after line 2, it is proposed to insert:

Mermentau River, La.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, let me ask the Senator from Texas [Mr. SHEPPARD] whether he presented an amendment relating to the Leon River, the Sulphur River, and the Pease River.

Mr. SHEPPARD. Yes; the amendment has been presented and agreed to.

Mr. COPELAND. The Senator from Minnesota [Mr. SHIPSTEAD] desires surveys of certain rivers, and I ask that the amendment be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 112, between lines 3 and 4, it is proposed to insert:

Cannon River, Minn.
Crow River, Minn.
Rum River, Minn.
Roseau River, Minn.
St. Louis River, Minn.
St. Croix River, Minn. and Wis.

The amendment to the amendment was agreed to.

Mr. WALSH. Mr. President, I offer an amendment, merely to perfect a description of two rivers in Massachusetts.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 108, line 15, after the words "Rhode Island", it is proposed to insert the words "and Massachusetts."

The amendment to the amendment was agreed to.

Mr. WALSH. I offer another amendment similar in nature.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 108, line 13, after the word "Massachusetts", it is proposed to insert the words "New Hampshire, Vermont, and Connecticut."

Mr. COPELAND. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment of the committee. The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment presented by the Senator from New York.

The CHIEF CLERK. In the committee amendment on page 110, after line 11, it is proposed to insert "Patuxent River, Md."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment presented by the Senator from New York to the committee amendment.

The CHIEF CLERK. On page 98, line 17, after the word "Harbors", it is proposed to insert "and as amended by further surveys and studies now in progress."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment to the committee amendment, suggested by the Senator from New York.

The CHIEF CLERK. It is proposed, on page 99, line 9, after the word "session", to insert "and as amended by further surveys and studies now in progress."

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I present another amendment on behalf of the Senator from Kansas [Mr. CAPPER].

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. On page 99, line 9, after the word "session", it is proposed to insert a comma and the words "and as amended by further surveys and studies now in progress."

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I present a further amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Sulphur River, Ark.

The amendment to the amendment was agreed to.

Mr. COPELAND. I present another amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Poteau River, Ark.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I present another amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Sandusky River, Ohio.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from California [Mr. JOHNSON], there is an amendment providing for surveys of the Salinas River, the Black River, the Pajaro River, the Eel River, and the Mad River in Humboldt County, the American, Feather, Yuba, and Bear Rivers, Calif.

Mr. JOHNSON. Mr. President, two of those have already been provided for, the Eel and the Black. As to the others, I hope surveys will be ordered.

The PRESIDENT pro tempore. The clerk will state the amendment referred to by the Senator from New York.

The CHIEF CLERK. In the committee amendment it is proposed to insert on page 112, after line 25, the following:

Mad River, Calif.
Salinas River, Calif.
Pajaro River, Calif.
Eel River, Calif.
American, Feather, Yuba, and Bear Rivers, Calif.

The amendment to the amendment was agreed to.

Mr. COPELAND. A survey is asked by the Senator from Florida [Mr. FLETCHER], and I ask for action on the amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. It is proposed to insert on page 110, after line 19, the following:

Intracoastal waterway, Broward County, Fla.

Mr. KING. Mr. President, if I may make an inquiry of the Senator from New York, my recollection is that 10 or 15 years ago provision was made for an intercoastal survey not only in Florida but in other States. Is this a duplication?

Mr. COPELAND. No; this is to bring it up to date.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I have given the clerk a copy of the bill with certain surveys indicated, and, perhaps, during the day they may be checked up to see whether there have been any omissions.

Mr. LONERGAN. Mr. President, I offer an amendment, on page 108, line 13, after the word "Massachusetts", to insert the words "and Connecticut."

Mr. WALSH. Mr. President, I may say to the Senator that the amendment has already been offered and agreed to.

Mr. LOGAN. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. At the proper place it is proposed to insert:

Big Sandy River, Ky.: Bank protection at Catlettsburg, Ky.; report to Congress not yet made; special report in Office of the Chief of Engineers; estimated construction cost, \$145,000.

Mr. LOGAN. Mr. President, I have a very brief statement to make in connection with the proposed amendment. The city of Catlettsburg is doomed to go into the river at the next flood. There is an extreme emergency. I understand that the Senator from New York, who is my good friend, is opposing all amendments unless a report of the Board of Engineers of the War Department on the project affected has been received by the Senate.

I desire to say at this time that I do want the responsibility for the calamity, when it comes, to be placed on the Senator from New York or the Senate. I myself do not want to share it.

I may say that the War Department previously made a survey of this project and reported that there was no immediate danger, but the last flood caused them to make another examination, and their office in Huntington, W. Va., has recommended this project at a cost of \$145,000. The report reached Washington, I think, only yesterday morning. The Board of Engineers here has not had an opportunity to investigate it.

The only thing I seek to do is to call the attention of the Senator from New York to the situation, so that when the calamity comes—and it will come with the next flood—I will know that I have done all that I could possibly do, and the responsibility will be with the Senator from New York and the Senate for the loss of life and property that will follow the next flood on the Big Sandy River.

Mr. BARKLEY. Mr. President, I wish simply to emphasize what my colleague has said. The item is one about which some discussion arose in the Senate yesterday. It

seems a pity that the lack of a report from the Board of Engineers here in Washington—which Board received the report from the district engineer just yesterday or the day before and has not had an opportunity to submit it to Congress—should stand in the way of this most worthy project.

There is no doubt what Congress will do about the matter ultimately, when the report shall come in. Congress will not meet again until next January. It is possible that there will be another flood between now and January or before the work could be done, if action by the Senate should be put off until January, and there might result loss of life and destruction of a vast amount of property at Catlettsburg, Ky., because of the confluence of the Big Sandy and the Ohio Rivers at that point.

In view of those special circumstances, I hope the Senator from New York will not object to putting this amendment in the bill and letting it go to conference. If in the meantime the Board of Engineers can make its report to Congress, the appropriation will be justified. If they should happen to turn it down before the conference agreement is entered into, the conferees can take that fact into consideration in determining whether or not to leave the amendment in the bill. Under those circumstances I hope the Senator from New York will not object to the amendment.

Mr. COPELAND. Mr. President, I had myself all square with the Senator from Kentucky this morning. I fixed up everything with him during the morning, but now our understanding is all upset. However, having been a doctor for a good many years, I have had to carry the responsibility of a death in a family and take all the responsibility of the treatment that might be applied, and I suppose I shall have to do it here. When the flood comes, and disaster comes with it, the lives of many of these people will be on my head. I am sorry that I have to carry that responsibility.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. There is a vast difference between being responsible for the death of a single patient and being responsible for the wholesale deaths of many people in a community.

Mr. COPELAND. Also, I have been in charge of handling epidemics; so I know something about that matter, too.

Mr. President, the district engineer from the Corps of Army Engineers has made a survey of the project in question as an emergency project to see if it needs emergency treatment. I have no doubt that if it shall be found that there is emergency and necessity for immediate action, funds will be provided from the emergency fund. However, as the chairman of the committee, I could not consent to the present proposal, because if we were to make an exception in this case, there would be no excuse for the battle I had yesterday with the Senator from Montana [Mr. WHEELER] nor for the battle I had with the Senators from Kentucky yesterday. If we were to make such an exception, we should violate the spirit of the bill; and, Mr. President, I think it would be unfortunate were we now to open the gate. So I feel that I must resist the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. LOGAN] to the committee amendment.

The amendment to the amendment was rejected.

Mr. ROBINSON. Mr. President, there were embraced in the House bill which is now under consideration, and for which the Senate committee has adopted provisions in the nature of a substitute, 13 reservoirs in the basin of the Arkansas River, and about an equal number of reservoirs in the basin of the White River in the State of Arkansas. The House sought to authorize the construction of these projects in the aggregate amount of a very large sum. The Senate committee omitted these projects from the bill, on the ground that as flood-control projects they had not received the endorsement of the engineers, and on the additional ground that they involved considerations relating to the development of power, and, I believe, soil-erosion and forestation. In any event, the provisions were sought to

be reincorporated in the Senate bill, and the Senate committee rejected the amendments so provided.

It is my understanding that a restudy of these projects will be made under the terms of the bill, or at least a portion of them. I ask the Senator from New York whether the statement I have made is correct.

Mr. COPELAND. Yes, Mr. President; the Senator's statement is correct. A very careful study was made by the committee of the various reservoirs mentioned by the Senator from Arkansas. There can be no doubt that ultimately they will be constructed. However, these projects include not only flood control, but many of them contain power possibilities, and it was thought wise by the committee to limit the bill wholly to flood-control projects. Some of them have been included. The Senator and his colleague last night presented one which was accepted because it was fully justified as a flood-control project. The other projects, however, are largely power projects.

Mr. ROBINSON. Mr. President, the projects to which I am now referring are not levee projects. They are reservoir projects which are important in any system of complete flood control of the two great branches of the Mississippi; namely, the Arkansas and the White Rivers. The provisions relating to these reservoirs will be in conference, having been incorporated in the House bill. In view of the action of the committee on the subject and the opposition to the projects being included at this time, my colleague and I do not again offer the amendments in the Senate.

There was another amendment which relates to a levee which it has seemed to us is a consistent and necessary part of the levee system that is being provided for the Arkansas River; namely, relating to Faulkner County Levee District No. 1. The item carried an authorization of \$109,000. It was incorporated in the House bill, but eliminated by the Senate Committee on Commerce. My information is—and it is derived from the engineers as well as from members of the committee, and from the Senator from New York, who made a statement about the matter yesterday—that that provision was rejected by the committee on the ground that it was not sound economically. In view of the policy that has been adopted by the committee, I do not at this juncture again offer that amendment; but I wish to state that, in my judgment, the levee referred to is an essential and necessary part of the flood system for the Arkansas River.

Mr. COPELAND. Of course that also will be in conference.

Mr. ROBINSON. That provision will be in conference.

Mr. COPELAND. The attitude of our committee was that because of the report of the Army Engineers the project was not regarded as economically justified. The annual cost is estimated at \$6,500, as compared with an estimated annual benefit of about \$1,000, or a ratio of \$1 to 15 cents; and the proposal was rejected on that account. However, it will be in conference, and I thank the Senator from Arkansas for his kindly consideration.

The Senator from Ohio [Mr. DONAHEY] wishes a survey of the Mad River, Ohio; and we have no objection to the inclusion of Mad River, Ohio. The survey of the Mad River, Ohio, is approved by the committee. We ask the inclusion of "Mad River, Ohio", on page 112, after line 11.

The PRESIDENT pro tempore. Without objection, the amendment to the committee amendment offered by the chairman of the committee on behalf of the Senator from Ohio [Mr. DONAHEY] is agreed to.

Mr. COPELAND. Mr. President, on page 112, in line 20, the first word should be "Sabino"; and on the same page, line 21, the county is "Pinal." I ask that those two corrections be made.

The PRESIDENT pro tempore. Without objection, the two corrections requested will be made.

Mr. COPELAND. I should say that on page 112, after line 11, at which point "Mad River, Ohio", was included, the language should be made to read "Mad River at Springfield, Ohio."

The PRESIDENT pro tempore. Without objection, that correction also will be made.

Mr. COPELAND. Mr. President, if there are no other surveys, we will now take up the first violently contested section of the bill, which is section 3. I think some amendments are proposed to be offered to that section. I believe the Senator from Mississippi [Mr. BILBO] desires to speak on the subject.

Mr. BILBO. Mr. President, as a member of the Commerce Committee and being permitted to participate in the work of perfecting the bill, I agreed to all the provisions of the bill except section no. 3, reserving the right to oppose the incorporation of that section in the final passage of the bill. This is a very important feature of this piece of proposed legislation, and it will become more important as the years go by. I wish to invite the attention of the Senate especially to the provisions of section 3, and at this juncture I ask that the Secretary read the section.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The CHIEF CLERK. On page 55, after line 3, section 3 reads as follows:

SEC. 3. That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War: *Provided*, That whenever expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof shall have exceeded the present estimated construction cost therefor, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost: *And provided further*, That when benefits of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, the Secretary of War may acquire the necessary lands, easements, and rights-of-way for said project or part thereof after he has received from the States, political subdivisions thereof, or responsible local agencies benefited the present estimated cost of said lands, easements, and rights-of-way, less one-half the amount by which the estimated cost of these lands, easements, and rights-of-way exceeds the estimated construction cost corresponding thereto: *And provided further*, That the Secretary of War shall determine the proportion of the present estimated cost of said lands, easements, and rights-of-way that each State, political subdivision thereof, or responsible local agency should contribute in consideration for the benefits to be received by such agencies: *And provided further*, That whenever not less than 75 percent of the benefits as estimated by the Secretary of War of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, provision (c) of this section shall not apply thereto; nothing herein shall impair or abridge the powers now existing in the Department of War with respect to navigable streams.

Mr. COPELAND. Mr. President, will the Senator yield to me for just a moment?

Mr. BILBO. Yes.

Mr. COPELAND. The issue here, Mr. President, is whether the Federal Government should assume all the cost of these projects, including the cost of lands, damages, and the relocation of railroads and highways, or whether the Federal Government should provide for the building of the projects and leave the localities, as has been the practice in the past, to pay for lands and damages.

As I understand, the Senator from Mississippi will plead that the Federal Government should assume the entire burden of cost.

Mr. BILBO. Mr. President, I am offering as a substitute for section 3 the following declaration of policy:

SEC. 3. It is hereby recognized that the Federal Government should assume the full burden and responsibility for the improvement of navigable waters or their tributaries for flood-control purposes, and that neither the whole nor any part of the expenditures necessary for the construction of any project within the provisions of this act shall be required of any State or the States, political subdivisions thereof, or other responsible local agencies.

Mr. President, I shall endeavor to show that the scheme provided for in section 3 is impracticable, is impossible of

being carried out, and will result in the failure of the program that is to be undertaken by the enactment of this proposed piece of legislation.

One can readily see by comparison and analysis that the substitute I am offering in effect eliminates all the provisions of section 3 of the original bill, which section provides for a contribution from the States or subdivisions thereof in projecting a Nation-wide flood-control project or program. In the substitute I am offering I desire to make the positive statement or have enacted the positive policy of total responsibility of the Federal Government in whatever is done in carrying out a Nation-wide program of flood control.

The Congress has considered many important and far-reaching problems of government, but by the enactment of this bill we are initiating or inaugurating or beginning not only the most important, the most helpful, and far-reaching program of Federal activities commenced in half a century, but we are launching a program that will require the expenditure of more public funds than has been made necessary by any undertaking of this Government in the past or will be made necessary in the future, unless it be the incurring of governmental obligations incident to a declaration of war.

I have been amazed at the observations of some Senators as to the amount of money involved in this appropriation. If they will keep an eye on the activities of Congress for the next 25 years, they will realize just what we are beginning today. The amount of money in this appropriation is a mere suggestion of what it will be in the very near future, because, with only a partial survey of the work necessary to be done to save the people of the United States from the destructive floods by the construction of reservoirs, levees, dams, and channels, and not including the cost of the restoration of our forests and the conservation of our soil, the Army Engineers estimate an expenditure of over \$8,000,000,000; but let me remind you, Mr. President, that before this work is finished and the industrial, commercial, agricultural, and economic life of the Nation has been made secure, we will have expended more than \$12,000,000,000. Therefore, it is important that whatever policy is announced in the beginning shall be safe and sound, fair, just, and equitable to all the taxpayers of our common country. We must legislate today with a vision of all those things that must be accomplished before this work is done and this problem is properly solved. In our haste and hurry in the pressing emergency that confronts us and the menace that has overtaken us, we must pause long enough to be positively sure that we are right before we go ahead. I appreciate the fact that some of our friends who represent the Eastern States have suddenly become flood conscious and that they are anxious to have some legislation along this line; but I warn them that we had better go slowly and make sure our policy is right, because we are now embarking on a program involving an ultimate expenditure of \$12,000,000,000.

Mr. President, no subject has engaged the attention of the thoughtful people of the United States for the past 50 years more than the question of flood control. Conditions contributory to flood disasters have so increased during the on-flowing years that the country's susceptibility to frequent devastations caused from the flood menace has become so pronounced that today it represents the most serious problem confronting the welfare of the Nation.

In the early history of our country, before the destruction of our forests and before an extensive cultivation of our lands, and at a time when our population was not so widely distributed, the dangers from excessive floods were by no means serious. The subject in the early days was never thought of except as purely a local problem. The citizens of the various sections of the country who had immigrated to and located in districts subject to overflows were for a considerable period of time able to make themselves reasonably secure from flood disasters.

As the years passed on and the country became more thickly settled, and as the conditions that retarded the flowage of waters were gradually removed as civilization progressed, the task, once so easily accomplished, gradually be-

came one that exceeded their powers to perform. So stupendous became this burden upon those living within the path of the rushing floods that it became necessary within the past decade for the Federal Government to assume an appreciable measure of the accumulative burden.

The day has now arrived when the entire Nation has become conscious of the imperative necessity for an effective flood-control system that will protect the lives, liberties, and properties of all the people who are affected directly or indirectly by this Nation-wide menace. It is now generally accepted that the prevention of destructive floods is a problem that affects every section of our country.

In a volume revised up to January 1936, entitled "Projects for the Development of Rivers and Harbors", summarized from reports of the Corps of Engineers to the Congress, may be found a map showing the number of projects and the estimated construction costs requisite to flood control in the United States. A mere glance at this map will not fail to impress one with the idea that the problem is one of national character and involves the national welfare. The reservoirs and canals contemplated in this report are dotted and lined over the entire country, with the exception of the States of Nevada, Utah, Arizona, and New Mexico, and this omission very probably obtains for the reason that the Engineers have not yet made a survey of that particular area.

This survey was made under the provisions of the Rivers and Harbors Act of January 21, 1927, wherein the Secretary of War and the Chief of Engineers were assigned the duty of making surveys in accordance with House Document No. 308, Sixty-ninth Congress, first session, with a view to the formulation of general plans for the most effective improvement of navigable streams of the United States and their tributaries for the purpose of navigation, the development of water power, the control of floods, and the needs of irrigation.

The tabulations made by the Corps of Engineers show recommended projects with an aggregate construction cost of \$8,325,000,000 and indicates as many as 2,000 projects covering practically every section of the country in the undertaking.

This survey contemplated mainly the construction of reservoirs, levees, and rendering navigable river channels. The subject of reforestation, soil erosion, cover grasses, and canals for diverting flood waters to other channels was not embodied in their report.

I invite the attention of Senators who represent the States through which the Ohio and Mississippi Rivers flow, because they will get a conception, if they will follow my address, of the cumulative cost upon the States which will be assessed under the scheme proposed in section 3.

It is well to note at this time that several plans for flood control have been proposed by outstanding engineers during the last decade. One school of thought advocates the building of levees, the straightening of rivers, and the building of canals, diverting the flowage into other channels capable of handling an additional volume of water. Another school advocates the construction of reservoirs so that the water may be impounded for release when no damage would ensue. Still another school strongly recommends reforestation, planting of grasses, and effective methods for preventing soil erosion.

All of these proposals have their merits, but today it is universally conceded that no one of them is sufficient in itself to provide the necessary relief. It is only by a proper correlation and coordination of all these methods that the ideal system of flood control can be attained.

We were entertained yesterday by the Senator from Minnesota [Mr. SHIPSTEAD], who attempted to show that even the sandstorms and the drought which have been cursing the great Northwest came because of a lack of proper flood control. He made the assertion, it will be remembered, that in a very few years that great agricultural section will become a desert, unless something can be done to prevent it.

Since this is true, it at once becomes evident that the means and methods of control involve activities incurring

tremendous costs in areas far removed from those sections directly in the path of floods. These combined proposals affecting a spread of activities covering the entire Nation, from which every section will receive benefits, force the inescapable conclusion that the question of flood control is the sole and undivided responsibility of the United States Government.

The purpose of this discussion, as the Members of this body may have already perceived, is not to treat in detail any one of these several plans or to endorse any particular method. I accept the universal verdict that an effective flood control can be accomplished only by the employment of all of the plans I have just enumerated. The ineluctable conclusion presents itself that an enterprise of so great magnitude, one that involves a system of preventive measures that extends its ramifications into every vale and hamlet, every prairie and hillside, and every teeming city and fertile valley on the continent, must be undertaken and completed by the strong arm of the National Government.

The declaration of policy as announced in House bill 8455, the matter which is now under consideration, as indicated in section 1, reads as follows:

It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare.

In another part of this section, it is stated:

That investigations and improvements of rivers and other waterways for flood-control purposes are in the interest of the general welfare. That the Federal Government should improve or participate in the improvement of navigable waters or their tributaries for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected.

I am unable to find in all my research upon the subject of flood control a more convincing argument in favor of the Federal Government assuming full and complete responsibility for the improvement of rivers and waterways for flood-control purposes.

In a pamphlet issued by the Tri-State Authority, with headquarters at Pittsburgh, Pa., entitled "Let Us Have Protection From Floods", there is to be noted from a report of the Mississippi Valley Committee to Public Works Administration, October 1, 1934, the following:

Federal interest in these projects (having reference to the 13 reservoirs to be constructed on the upper reaches of the Ohio River and its tributaries) is such that shows Federal participation might go to the sum of \$26,400,000, while necessary non-Federal participation is estimated at \$43,700,000. The latter amount should be assessed against the States and the communities benefited whether on the tributary or on the main stem of the Ohio in proportion to the estimated benefit to be received.

Then the editor, Senator W. B. Rodgers, of Pittsburgh, Pa., adds this comment:

While a recommendation for local participation in the costs of constructing the 13 reservoirs is incorporated at some length in the report, it is the contention of the Tri-State Authority that this project is national in character and in benefits to be derived and should be paid for entirely out of Federal funds, as is being done in the construction of the Tygart Reservoir, one of the units of this system.

The advocates of section 3 will think they are meeting themselves coming back when they are reminded that of these 14 reservoir projects, the Government is already building the Tygart Reservoir wholly upon its own responsibility.

Permit me in this connection, Mr. President, to quote from a resolution adopted at a special session of the National Rivers and Harbors Congress at New Orleans, La., December 14, 1935, which reads as follows:

The protection of lives and property of the people of the United States from recurring disastrous floods in the valleys of the major streams is recognized by this organization and also by the Congress of the United States as a problem affecting the economic welfare of the Nation, the study, solution, and constructive remedial treatment of which should be carried out by appropriate Federal authorities at national expense. The same principle and obligation should apply in the development by the Federal Government of new inland waterways for purposes of navigation or the

enlargement of existing navigable waterways and the costs to adjust existing public highways or adjusting existing railroads and other privately owned property and facilities that meet the requirement of such new or enlarged projects should be borne by the United States Government.

I wish further to quote from an address delivered by Maj. Gen. Lytle Brown, Chief of Engineers, before the National Rivers and Harbors Congress in Washington, D. C., December 10, 1929:

During the past 2 years nothing in the way of river problems has received as much attention as the flood control of the Mississippi River. It would seem that nothing more could possibly be said on the subject, but maybe the matter can be somewhat clarified as time goes on. In the consideration of the subject by Congress shortly after the flood control of 1927, it was conclusively shown that the subject can be handled effectively only by the National Government, and the Flood Control Act was modeled after that conclusion. Where more than one State is affected in a matter, the subject cannot escape the intervention by the central Government. The people of the States have the right to expect as much, since no settlement of these questions can be made by any other authority. If the national authority has seen fit to take up the matter of flood control on the Mississippi River, it cannot allow any lesser authority to intervene to stop or hinder its plans. If in the carrying out of these plans injury is done any interest without corresponding benefits to offset that injury, just compensation must be paid.

Any plan for the control of water incorporates a movement for most of the basic functions of the life of a nation. In controlling water we also must take into consideration the relevant problems of land. There can be no planning for both land and water unless we plan for the whole people.

The Northeastern States have their problem of flood control. The Ohio Valley and its upper reaches have also a flood problem. The Mississippi Valley, which carries the water from 33 of the 48 States of the Union, drains more than 40 percent of the territory of the United States, produces 80 percent of the minerals, agricultural products, and manufactured articles of the country, and sends to Congress 63 percent of its Members, has its problem of flood control.

The 785,000,000 acres of the most productive land in the world that lie in the Mississippi Basin within themselves would justify calling upon the National Government to assume the entire burden of flood control. The vast area of land which now constitutes the section of the country subject to the frequent visitations of sand storms is also involved in this great problem of flood control.

It is impossible at this time, were one to close his eyes, to place his finger upon the map of the United States without covering some spot more or less affected by the unbridled waters of the Nation.

How anyone can conceive that this problem is other than a national problem, an obligation and responsibility to be discharged wholly, and not in part, by the National Government, is entirely incomprehensible.

There is no difference of opinion among us as to the necessity for flood control. There are no divided views on the question as to the time when this great undertaking should begin. Far less should there be any justification for a difference of opinion as to what authority should assume this burden.

The Mississippi River, from Cairo, Ill., to its mouth, represents in its tortuous course over this area 1,700 miles of flowing length. It is bordered by the States of Kentucky, Tennessee, Arkansas, Mississippi, and partially borders and passes through the State of Louisiana. The lower section of the Mississippi River is the bottle-neck through which flow the waters of the vast expanse located between the great prairies that gradually approach the uplift of the Rockies on the west and the far-flung Alleghenies on the east, even penetrating into the industrial region of Pittsburgh, Pa.

Because of the magnitude of the flood situation in this wide expanse of country, a section comprising more than three-fourths of a billion acres of the most valuable and productive land in the world, and concerning which a noted authority has said—

It is by a specially bountiful provision of nature that in and from this heart lead the most wonderful arteries for a national life which are furnished for any people.

As before stated, because of its magnitude, and the magnitude of its susceptibility to the havoc, ravages, and devastations of uncontrollable floods, this particular Mississippi Basin may be taken as a fitting example to which to apply the principle of local participation in flood control as provided in section 3 of House bill 8455.

Within this wide expanse of territory the lives, liberties, and properties of the people are not endangered solely from the onrushing sweep of maddened floods, leaping levees, destroying forests, gulying lands, and submerging thousands of erstwhile prosperous citizens in watery graves, but they are subject over a large area to the terrible effects of water erosion, which scourges the East as well as the West, and impoverishes hundreds of thousands of people if allowed to go unchecked. Very probably the most widespread damage does not lie directly in the wake of these uncontrolled waters but may be found in certain sections in the insidious sheet erosion that takes away the irreplaceable top soil of cultivated areas. Here, lack of reforestation and lack of restoration of range grass on areas now laid bare by the plowshare, subject the lands and people to the rage not only of floods but likewise of wind and storm; also to the great droughts of recent years, and the terrifying spectacle of clouds of dust borne upon the wings of the wind across one-half of the continent, so thick that the rays of the all-beholding sun are unable to penetrate. The agencies necessary for the preservation and reclamation of these arid sections are the self-same agencies that contribute to the control of devastating floods. Consequently, there must be a unification of all these systems both for the preservation of our land from the scourge of drought and for the protection of our people from the havoc of floods.

If it be contended that local participation should be required, in proportion to the benefits derived, with respect to the costs of building levees and reservoirs for the direct control of floods, then it naturally follows that the exponents of that idea will also, and with reason and consistency, maintain that the same rule should apply with respect to reforestation, restoration of range grass, and all other methods employed to reduce the drought menace, and reclaim and transform a land of aridity into one of productivity.

It may readily be seen that when one attempts to apply the principle of local participation to any plan having for its purpose the reforestation of our lands, soil conservation, and the restoration of native grasses to our arid prairies, one is brought face to face with an impossible and impracticable problem.

However sanguine one may be as to being able to find some rule of procedure by which proper allocations of costs may be made to States benefited by the construction of reservoirs without their confines, that enthusiasm is wholly dissipated in any effort to apply the same rule to the allotment of the costs to benefited areas as pertains to reforestation and soil erosion. The supplying of cover grasses to arid wastes, and of native tree plants to forest sections, is as necessary an adjunct to the control of floods as the construction of reservoirs.

It would be wholly unfair and unjust to insist upon local participation as applied to one method of flood control, and wholly disregard it because of its impracticability with respect to another form. There is only one conclusion to be reached, and that is to eliminate entirely local participation, and require the Government to assume the full responsibility.

I desire to address this remark to the Senator from New York [Mr. COPELAND]. When the Senator undertakes to show that communities should participate in the control of floods in this Nation by assisting to build dams and reservoirs, I desire him also to tell how they are going to participate in the two other great things which are necessary before we shall ever solve the flood problem of the Nation—reforestation and the conservation of our soil. We cannot get by with one unless we get by with the other, too.

The fact that local participation, as applied to reforestation and soil erosion, reduces the principle to an absurdity, is conclusive proof that its application to other forms of flood

control, which are no more important to the system proposed, is wholly without foundation in justice and fairness.

It will be contended, and readily admitted, that any reservoir constructed on the upper reaches of the Ohio River and its tributaries will in some degree bestow benefits upon the States adjoining the Mississippi River between Cairo, Ill., and the Gulf of Mexico. Likewise will it be contended and admitted that reservoirs constructed in far-away Montana, Wyoming, Nebraska, Kansas, Colorado, and the Dakotas, along the winding course of the Missouri River and its tributaries, will in some measure benefit the States on the bottle neck of the Mississippi, namely, from Cairo to New Orleans. Also, reservoirs constructed in the States of Illinois and Wisconsin on the Illinois River and its tributaries, and in the States of Minnesota, Iowa, Wisconsin, and Missouri on the upper reaches of the Mississippi River, also in the States of Oklahoma, Texas, and Kansas on the Arkansas and Red Rivers that flow into the bottle neck of the Mississippi, will result in some indeterminate degree of benefits to the States from Memphis, Tenn., to the mouth of the Mississippi.

This system will comprise more than 1,600 reservoirs in order that exact justice through complete protection may be meted out to each of the several States benefited by each one of these 1,600 pools of impounded waters. It would necessitate just so many—namely, 1,600—allocations of costs for each of the numerous States benefited.

In other words—and I address my remarks to the Senator from Louisiana [Mr. OVERTON]—if we permit the policy of contributions, as assessed by the Board of Army Engineers, to go in this bill, and thus are tied from now on in all the projects that must be eventually constructed before the flood question will be solved, the Senator from Louisiana will be fixing upon his State and I shall be fixing upon my State a proportionate part of the expense of constructing these thousands of dams scattered throughout the Nation. To be more exact, the Army Engineers in this flood-control map, where they estimate the cost at \$8,000,000,000, say there are 2,000 projects, and it is safe to estimate that 1,600 of these projects will be found in the Mississippi Valley. In other words, the State of Louisiana, the State of Mississippi, the State of Arkansas, the States of Tennessee, Ohio, and these other States, will be, as the program is carried out, assessed in the consummation and prosecution of construction of these 1,600 or 1,800 projects, scattered from the Alleghenies on the one side of the country to the Rockies on the other side.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. BILBO. I yield.

Mr. OVERTON. Does the bill now under consideration provide for assessments, or does it contemplate voluntary contributions on the part of the States and local subdivisions?

Mr. BILBO. In section 3 the bill provides for assessments to be made by the Board of Army Engineers, allocating to each State costs in proportion to the benefits to accrue from the project. The payment of the assessment is not mandatory. The States cannot be made to pay them; but section 3 says that this assessment and contribution from the States shall be made before anything is done in the consummation of the project. So the States are either going to pay it or they are not going to have any flood control; there will not be anything done. The fact of the matter is that the bill makes it absolutely obligatory on the part of the Army Engineers to make the assessment and collect every dollar, and the money must be on the barrel head before anything is done in the consummation of any of the projects upon which there will be allocated assessments to the various States.

Before resuming my remarks, I may say that I contended before the committee that, with a few exceptions, if this amendment shall remain in the bill, it will mean that there will not be any flood-control program, and I will show Senators why I make that statement.

We are going to build a reservoir to control the floodwaters of the Ohio and the Mississippi Rivers, and we are going to build it amid the hills of Pennsylvania, on the Monongahela

or the Susquehanna. This whole work will start by the building of a reservoir in the rock-ribbed hills of Pennsylvania to affect the welfare of the people of Louisiana, Mississippi, and Tennessee. The Engineers will have to do it, not that they may do it, but they must do it if they are able to, the benefits to accrue to the States of Louisiana, Arkansas, and Mississippi, all the States down the line making assessments and then collecting the money. Then they can begin to break ground to build a reservoir in Pennsylvania. If one State—if my State of Mississippi, for instance—is not able to contribute, or if my State refuses to contribute, then Tennessee, Louisiana, Arkansas, and the Ohio towns and the plantations down the river may be flooded because Mississippi refuses to contribute, and the Engineers cannot proceed.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CLARK. I recall to the Senator's mind that when the so-called Jadwin bill was before us, in 1928, I believe it was, the principle was seriously advocated by General Jadwin and some others, on the theory of local contribution, that in such a case as of a floodway built on the Missouri side of the Mississippi River to protect Cairo, Ill., the Legislature of Missouri should be required to make an appropriation to pay for that floodway. Obviously, of course, that could not happen; and according to this theory of local contribution, Cairo would have had no protection at all, because Missouri, across the river, which suffered and did not profit by the floodway, was not willing to pay for the construction of the floodway.

Mr. BILBO. Exactly. I thank the Senator for his contribution at this juncture in regard to this one item.

The State of Mississippi, in an attempt to save the property and the lives of her people from the ravages of floods, has, out of tax money, contributed over \$50,000,000 in the years gone by. This money was wrung from the taxpayers of Mississippi without any Federal aid, and I am reliably informed that through the Mississippi Valley the taxpayers have contributed in the neighborhood of \$265,000,000 in an attempt to save themselves.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. OVERTON. In order that the RECORD may accurately show the contributions of the lower Mississippi Valley, I may say to the Senator from Mississippi that prior to the adoption of the Jadwin plan, under the act of May 15, 1928, there had been a total local contribution on the part of the affected States, from Cairo, Ill., to the Head of Passes at the Gulf, in the sum total of \$293,000,000, and since the enactment of the 1928 law there has been contributed by these States toward the completion of the plan adopted in the Flood Control Act of 1928 a total in excess of \$41,000,000.

Furthermore, in the modified plan contemplated in the bill which passed the Senate, of which I had the honor to be the author, and which is today being considered by the House committee, there will be required a total contribution of not less than \$8,000,000. In addition to that, the States will have to provide the cost of relocation of highways, and preserve the drainage along the main stem of the Mississippi River.

Mr. CLARK. Mr. President, will the Senator from Mississippi yield to me to ask a question of the Senator from Louisiana?

Mr. BILBO. Certainly.

Mr. CLARK. Under the Overton bill, which recently passed the Senate, the cost of the construction of a causeway across each of these floodways is to be borne by the Federal Government, is it not?

Mr. OVERTON. Does the Senator mean the elevated railroad and highway structures?

Mr. CLARK. Yes.

Mr. OVERTON. Yes; with the limitation, I may say to the Senator from Missouri, that the Government is not to elevate every highway but is to construct one highway over the Eudora floodway, one over the West Atchafalaya, and two over the Morganza.

Mr. CLARK. I understand that; but the point I make is that the Government is to bear the expense. I was in favor

of that, and I am still in favor of it, but I am completely at a loss to understand the theory on which the Government is to finance that construction in Louisiana under the Overton bill and at the same time to assess these local damages against other equally meritorious flood-control projects in other sections of the country.

Mr. BILBO. Mr. President, I am indebted to the Senator from Louisiana for the correct statement of the various contributions. I was merely giving the estimate furnished by a member of the House Flood Control Committee as to the lower part of the Mississippi River.

Of course, these contributions, which amount to over \$300,000,000, as suggested by the Senator from Louisiana, are a mere bagatelle compared with the tremendous losses of property resulting from the floods which have overtaken the people of this great section of the United States. Those losses amount to billions, instead of millions.

If the principle of local participation should apply in this vast expenditure of money to protect the lives and properties of the people, with respect to the construction of reservoirs, canals, and levees, it should with equal propriety apply with respect to any plan for the reclamation and preservation of the arid sections which come within the area that is drained by the Mississippi River and its tributaries.

A program of reforestation and restoration of range grass will not only benefit the section of the West where such a program is absolutely essential, but would benefit in some unknown and indeterminate measure those States along the Mississippi River through which the uncontrolled flood torrents of the West now pour, bearing terrifying disasters in their wake. Whatever agency is employed in these arid sections for the reclamation of lands that increases the retardation of onflowing waters is to a certain extent beneficial to States far beyond where these agencies are employed.

I address this query to the Senator from New York: What modern Pythagoras, what Einstein of our own age, can determine with unquestioned accuracy the proportionate share of the benefits to be derived from the construction of reservoirs in distant lands and the reclamation by reforestation and otherwise of arid areas in remote places? What finite mind is able to make so infinitely complicated a calculation? It is utterly inconceivable that the genius of man, even in this enlightened age of science and mathematics, can approach any satisfactory determination of the proportionate share of this cost which it is alleged should be borne by all the States to be benefited. The whole theory of section 3 is nonsense gone to seed.

Mr. COPELAND. Mr. President, I suggest that the Senator refer that question to the taxpayers. Do not ask the question of me. The taxpayers also have some rights.

Mr. BILBO. I assumed that the Senator was representing the taxpayers.

Mr. COPELAND. I am representing the taxpayers of my State, and in the position which I am taking here I think I am representing the taxpayers of every State.

Mr. BILBO. The Senator may be representing taxpayers who may be able to meet the partial burden of the program which they are assuming under the bill, but he is losing sight of the taxpayers who are not able to bear the burden which is placed on them by the bill.

Mr. COPELAND. Of course, Mr. President, the problem must be dealt with in its general aspects. If I could differentiate between the poor, between those who can ill afford to pay taxes and those who are abundantly able to do so, I would join the Senator. In the Golden Triangle of Pittsburgh there was a loss of \$200,000,000 in the last flood. Why should the Golden Triangle, with all its wealth, be absolved from the burden of paying \$30,000,000 toward the construction of work which will give it safety in the future? I can find no answer to that question.

The Senator from Mississippi may be willing to have the taxpayers in his State taxed to take care of wealthy Pennsylvania or, to make it more personal, my own State of New York, because we would be spared the payment of \$8,000,000 or \$10,000,000 if the Senator's proposal should be adopted;

but why should we not pay our \$8,000,000 or \$10,000,00 for the cost of land and damages? Why should we ask the taxpayers of Mississippi to bear a share of the cost of installing works in the State of New York? I contend it is not fair to the taxpayers of Mississippi to relieve the taxpayers of New York from the burden which they ought to carry.

Mr. BILBO. Did the Senator from Pennsylvania desire to answer concerning the "Golden Triangle"?

Mr. DAVIS. I wish to ask the Senator whether the substitute he is offering will be in place of section 3 of the bill.

Mr. BILBO. Yes, Mr. President; it is a substitute for section 3.

The Senator from New York speaks of the "Golden Triangle" of Pittsburgh and mentions its great wealth. The fact the Golden Triangle contains great wealth affords no reason why a principle should be violated in order to make it contribute to the program in question. My contention is that the program is a national one. Whether a section is wealthy or whether it is poor does not enter into the question as a matter of equity, as a matter of fairness. It may be that New York State is more able to pay her share of the amount assessed against her than the State of Mississippi. I might go into details and explain why New York has more money than Mississippi. We have had some part in bringing about that condition.

Mr. DAVIS. The income from all the buildings in the Golden Triangle would not pay 1-percent dividend on all the property in the Golden Triangle.

Mr. BILBO. Mr. President, there is proposed in section 3 a scheme that is not feasible, a scheme that will not work, a scheme that is impracticable.

Mr. DAVIS. In other words, if a community does not have enough money to pay practically 50 percent of the cost of flood control, it must drown in the next flood that occurs, as has happened in all the other floods.

Mr. BILBO. That is exactly the point I was leading up to. New York may be able to pay her part and so get a healthy contribution from the Treasury of the United States, thereby protecting the lives and property of citizens of that State; but a condition that cannot be met is being imposed on other States and other people. Therefore they will be denied their share of the Federal contributions and suffer the ravages of flood.

In making determinations of the proportionate assessments for the several States, there are so many diversified elements to be taken into consideration that the authorities charged with this responsibility will of necessity ere long appreciate the utter hopelessness of arriving at a satisfactory conclusion.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. FLETCHER. In the hearings before the Commerce Committee, the Senator may recall that I raised the question whether it was possible for the Engineers to apportion the benefits accurately among the several States. For instance, if a dam is built in Pennsylvania, what benefit will there be to Mississippi, and how will the Engineers arrive at what the benefit will be? The reply was made that they could do that, that it was practicable, and that they had proceeded in that direction successfully heretofore. I am not yet clear about that matter. I think that is the main difficulty.

Mr. BILBO. Mr. President, I appreciate the question of the Senator from Florida. I take the position that it is an absolute impossibility equitably, fairly, and justly to make those assessments. As I said, even Einstein would not be able to figure it out; and if it is attempted to be done, it will be an arbitrary exercise of judgment on the part of the Army Engineers in making the assessment, and not predicated upon any rule of justness, fairness, or equity.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. WALSH. Of course if these projects of flood-control are delayed until the working out of the apportionment that each State should pay, they will never be erected. Is not that correct?

Mr. BILBO. The Senator is correct. The present provision in the bill means that there will be a break-down and failure to carry out the program.

Mr. WALSH. Is there anything in the bill to indicate that the Federal Government will proceed with the flood-control projects and leave the matter of assessment undetermined until later?

Mr. BILBO. There is a positive prohibition in section 3, stating that they cannot proceed until the money is assessed and in hand and on the barrel head.

Mr. WALSH. Some manufacturers from my State, who were here recently, threatened to abandon their industries along the riverbanks where floods occur, on the theory of what the Senator from Mississippi said would happen, that there would be delay and delay and delay in getting action. I hope the Senator from New York, in charge of the bill, will see to it that provision is made that where there is really need for flood-control projects, the Engineers shall proceed to take care of them and leave the matter of assessment until afterward.

Mr. BILBO. Mr. President, under the provisions of the bill it may be that in New York or in some other more favored State the necessary assessments can be provided at once, and the projects proceeded with immediately, but in other States there are projects that will be forever barred by reason of section 3.

Mr. WALSH. The Senator from Mississippi, as well as the Senator from New York and other Senators, desires action. We have learned as never before the menace and suffering and loss and disasters resulting from floods; and the country desires action, and speedy action. We do not wish to have any red tape. I hope the Senator from New York will see to it that provision for action will at least be provided in the bill.

Mr. BILBO. The Senator from Massachusetts has suggested one of the reasons why I am making a fight against section 3. I know that if the Engineers should decide to build a dam on a river between Vermont and New Hampshire, and Connecticut and Massachusetts could not get together on the payment of their contribution to the building of the dam between the other States, a long time would elapse before relief could be obtained.

Mr. WALSH. That is just what some of our manufacturers fear, and vigorously protest against. As the Senator from Mississippi said, in such a case the State would be a long time in getting relief. Can the Senator from New York clear up that matter, and assure us that such a thing will not happen?

Mr. BILBO. The delay will happen, because the provision of the bill is that the State or community shall not get anything until it has put its share of the money on the barrel head.

Mr. WALSH. Assessments must be made upon the State as to the money to be paid before the Federal Government will undertake the work?

Mr. BILBO. The work cannot even be begun until the money is put up. The Engineers would not be permitted to visit the territory until the local money was provided.

Mr. WALSH. Does the Senator from New York agree to that statement?

Mr. COPELAND. Mr. President, where is the provision in the bill?

Mr. BILBO. It is in section 3.

Mr. COPELAND. Whereabouts?

Mr. BILBO. Cannot the Senator find it?—

That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will—

And so forth.

Mr. COPELAND. I thank the Senator. Now, let me answer the Senator from Massachusetts.

I think the Senator from Mississippi said that the project could not be proceeded with until the money to be furnished by the State was put on the barrel head.

Mr. BILBO. I take it action can be had if we have the right kind of a Secretary of War. I presume, if he is a businessman, action can be had.

Mr. COPELAND. As a matter of fact, the bill provides that the projects are to go forward when the Secretary of War has been given assurance satisfactory to him that the costs will be provided. In the meeting which was attended by the Senator from Massachusetts the other day, I explained that if projects are organized, as provided in section 4, or where compacts are entered into between States, or where the State itself has made some arrangement, as my State has made, which is sufficient, it is not necessary to put the money on the barrel head. It is simply necessary that assurance be given to the Secretary of War that there is sufficient arrangement for contribution to be made in due time. I think that "due time" would be a very questionable time. Perhaps it would mean several years before it is all paid. But there cannot be any delay under the terms of the bill; and I ask the Senator, in all kindness, as one who helped to write it, to support the bill as it is.

Mr. WALSH. Mr. President, would the Senator from New York be willing to have an amendment adopted making it clear that the Federal Government shall proceed even if the money has not been paid?

Mr. COPELAND. Yes, sir. If the Senator will prepare an amendment to make clearer what we have put in the bill, so far as I am concerned, as one member of the committee, I will say yes; because it is perfectly clear to me that that is the intent of the bill.

Mr. WALSH. The Senator from New York recalls the evidence presented at the hearing the other day—and I should like to have the Senator from Connecticut confirm it—that the people have left their homes in Hartford and in Springfield and will not move back into their homes, because the recent flood so frightened them that they do not want to live in the valley of the river.

Mr. LONERGAN. In many instances, the Senator's statement is correct.

Mr. WALSH. I thank the Senator from Mississippi for yielding for this important discussion.

Mr. COPELAND. There is much more I should like to say on the subject, but I do not desire to impose on the Senator from Mississippi.

Mr. BILBO. Mr. President, the Senator from New York, in response to the suggestion which has been made, advances the theory that all that is necessary is to satisfy the Secretary of War that the money will be forthcoming. I should like to have the Senator explain to the Senate just what he means, and what will be necessary to show to the Secretary of War and to present to the Secretary of War to satisfy the Secretary of War that the money was forthcoming.

I take it that we are proceeding to legislate upon a safe basis, upon a business basis. There has been no suggestion in this bill, so far as I have seen, that any line of credit is going to be extended to any particular community or State or locality. It is a business proposition.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BILBO. Yes, sir.

Mr. COPELAND. It stands to reason that the localities must provide the lands. When they have provided the lands the Army Engineers will proceed. There is nothing new about that; that has been the practice in every measure of this sort in the Senator's own section of the country. The Senator from Louisiana has just testified that they have paid for levee locations—how many hundred million dollars?

Mr. OVERTON. The total contribution was \$292,000,000, plus \$41,000,000, and plus many million dollars of additional contributions.

Mr. COPELAND. So, nearly \$400,000,000 has been contributed in the lower Mississippi. Yet the Senator from Mississippi comes forward to say, "In spite of the fact that my State has spent millions in the past for this sort of thing, Pennsylvania and New York now must be relieved of the

burden of paying their share of the cost of lands and damages."

Mr. BILBO. Mr. President, in response to that observation of the Senator, let me say that we are not asking for a return of any of the money that has been expended. I am only insisting, as we begin a real flood-control program for the Nation, a Nation-wide program, which means the expenditure of \$12,000,000,000 or \$15,000,000,000 before we have finished the job, that we establish a policy that is equitable and fair, a policy that is right. That policy should be, since the whole Nation, every section of the United States, is interested in flood control, since the flood-control problem will never be solved until we have soil conservation and reforestation as component parts of the elements necessary to make it a success, and since every section of the United States will be benefited, the entire Nation, through the Federal Government, every section of the United States should contribute in doing those things necessary to execute this program.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. DAVIS. As I understand, the Congress have appropriated already and there has been spent by the Government some two hundred and fifty or three hundred million dollars for flood control and the Congress have also appropriated nearly a billion dollars for river and harbor improvements.

Mr. BILBO. That is correct, and there has not been any local contribution in connection with river and harbor appropriations, and there never has been any question raised about it.

Mr. President, resuming the thread of my argument, take for example the proportionate share of Mississippi's contribution to the construction of 13 reservoirs in the upper reaches of the Ohio River and its tributaries. It must be admitted that these projects, if taken in connection with similar projects built along the courses of all other rivers flowing into the Mississippi would be more beneficial to the State of Mississippi than if only a limited number of these reservoirs were built. The 13 reservoirs in the Ohio Valley alone would not suffice to protect the State of Mississippi from flood disasters. Reservoirs built upon one or two other rivers in addition to those built in Ohio still might not give adequate protection. The degree of benefits, therefore, to be derived by the State of Mississippi will be determined by the degree of accomplishment in the perfection of the entire system.

Shall Mississippi pay its full proportion of the costs of the completed system 20 years before that system is finished? Certainly not. Then, how are the authorities charged with the duty of making these allocations to determine accurately just what Mississippi's proportionate share would be at this time in the construction of the 13 projects of the Ohio Valley? Again, the States along the Ohio River would receive benefits from the aforementioned 13 projects on many occasions when none whatever would accrue to the State of Mississippi. This is true because the Ohio River sometimes overflows and occasions great destruction of property and human lives, and yet when those self-same waters are poured into the mighty Mississippi they may add only a few inches to the water level of that river.

The State of Mississippi suffers from the ravages of floods only when there is a conflux of excessive waters from all the rivers constituting the Mississippi River and its tributaries. No one of these tributaries can cause any appreciable rise in the Mississippi. It requires an increasing tide and volume pouring in from all sections of the country drained by the Father of Waters. With what degree of accuracy can the science of mathematics determine Mississippi's pro-rata share in the cost of any particular group of reservoirs or the reforestation of any particular section of the country when her flood fate is determined by fortuitous chance?

I could go on at great length discussing the various elements that should be given consideration in making these

determinations with respect to pro-rata assessments against the States, any one or all of which would add greater emphasis to the well-known fact that the whole proposal is manifestly impracticable.

Furthermore, making these allotments of the proportionate cost burden to be borne by the several benefited States from any one project, or a closely allied group of projects, and submitting them for ratification before actual work begins, as is provided in section 3 of this bill, will entail an interminable number of joint and collective acceptances, and these myriad transactions with the benefited States, their subsidiaries, or responsible local agencies, will recur as the work progresses at frequent intervals over a period of 20 years or more.

Behold an infinitely long chain of separate negotiations of this character stretching out through the decades yet to dawn and following the winding courses of all the rivers and rivulets of the continent, and then contemplate for a moment the inescapable eventuality of some one or more links in this tortuous chain being broken, thereby destroying the binding force and effect of a unified system of flood protection, and, if not overwhelming the whole scheme of things in disaster, most surely defeating the noble purpose of guaranteeing flood protection to all the people of the Nation. To make it more emphatic, under section 3 of this bill the Army Engineers and the Secretary of War are strictly prohibited from launching any project until every dollar from every State assessed shall have been paid.

Oh, yes; the States of Massachusetts and Connecticut may get together and agree upon the proportionate share of the cost to build a dam on the Connecticut River between Vermont and New Hampshire, but what about the States of Mississippi, Louisiana, Arkansas, Tennessee, and Kentucky agreeing upon their proportionate share of the cost of building a dam in Montana on the Missouri, or on the Arkansas, or on the Red River, or on the Ohio?

Mr. President, the economic side of this question should not be overlooked. According to the best authorities who have investigated the subject of soil erosion, we are told that the rate of wastage, if continued for the next half a century, will render unproductive more than two-thirds of the Nation. The Senator from Arkansas [Mr. ROBINSON], in a statement before this body on April 2, said:

That the soil of one-half of the lands now in cultivation in the entire United States has been so damaged that those lands are scarcely fit longer for cultivation.

It may be said without fear of contradiction by any responsible authority that has made a study of this question that it will be only a comparatively short time before the dust storms that originate in the West will become so violent and so laden with earthen matter as to obscure the face of the heavens for a period of 3 months in each year. I am not an alarmist, nor am I a pessimist, and yet I can make that statement.

With respect to the loss of life and property under present conditions, it is claimed that the Mississippi Valley lost approximately \$1,000,000,000 during the flood of 1927. Then why complain about a few hundred million dollars in this bill or any other bill along this line?

The loss in the Mississippi Valley is a total loss. Proportionate devastation costs obtain in every section of the United States. The special committee of river improvements and flood control, reporting on conditions in New York subsequent to a recent flood, but having no reference to the flood which happened 2 weeks ago, said:

After a 200-mile inspection tour of flood damage it was noted that crops and property had been ruined by raging waters that had leaped from their channels to sweep over the country sides. In the city of Hornell 16,000 people are drinking water from milk cans hauled in trucks. Fifteen hundred of the city's residents have been thrown out of work because of the city's industrial loss, estimated at \$738,000. Mayor Leon Wheatley estimates the home loss at \$900,000, retail-store loss at \$280,000, loss to the railroads at \$370,000, making a total of \$2,288,000.

Damages to State highways and bridges are estimated by district engineers to be approximately three and a half million dollars. Counties, villages, and cities suffered losses to roads and bridges estimated at six and a half million dollars. On July 8 and 10 43 lives were lost and damage estimated at \$25,000,000 was caused.

I give these citations merely to show the extent of devastation for only two separate floods that raged in two widely separate districts of the Nation. If one had available the costs that the States have incurred without Federal aid in building their levees and canals, also the loss they have sustained in spite of these efforts, throughout the last century, it would amount to many billions of dollars.

After suffering all these losses and privations and sorrows through the long and trying years that have passed, ill does it become this Congress now to urge that the States should bear a proportionate share of this great and necessary burden that rightfully should be the responsibility of the National Government. We have suffered enough. We have paid enough. We have carried a sufficient load. Part of the losses cannot be restored, no matter what degree of prosperity we may enjoy, because they involve hundreds of lives which the floods along the Mississippi River have cost in recent years.

It may be of some interest to learn that some of the greatest earthquakes of all time have occurred from an excessive overloading of the valleys by a distribution of sediments brought down by the streams from the uplands and mountains which are drained by the rivers and course through these valleys.

I trust no one will think I am somewhat excitable in my argument for the prosecution of flood control when I find one of the effects of the neglect of duty on the part of the Congress in controlling the flood situation has been the earthquakes we have had and earthquakes which are yet to come. If I am wrong in my contention, then blame the scientists, who know more about it than do the Members of Congress.

Among the great earthquakes that have visited all sections of the earth but few, I am told, have compared with the great earthquake in the Mississippi Valley of 1811. To give some idea of the extent of the territory affected by this earthquake, I quote from a statement of the United States Geological Survey Bulletin 494:

A total of over 1,000,000 square miles, or over half of the entire United States, was so disturbed that the vibrations could be felt without the aid of instruments.

The most violent section of this earthquake was in the vicinity lying between Memphis, Tenn., and St. Louis, Mo. There were few people living in that section in 1811. Consequently the loss of life was not great. Today, millions reside in this district, and a similar disturbance at this time would exact a toll of life and property damage that would be appalling.

The volume of earth under present conditions now being deposited in the Gulf of Mexico amounts to about 400,000,000 cubic yards each year. These vast deposits through bygone centuries have formed what we now call the Mississippi Valley. Even today at the mouth of the Mississippi River the Delta is being extended into the Gulf of Mexico by sediment deposit at the rate of 1 mile for each 20 years. The depth of this deposit throughout the Mississippi Valley is undetermined. The constant accumulation of sediments brought down by the flowing waters causes an overbalance of the earth structure affecting the lower strata with the result that an earthquake follows.

From the Popular Science Monthly, in which an article appears by Myron L. Fuller, of the United States Geological Survey, I quote these words:

In the New Madrid country, southeast Missouri, the quaking has continued for several hundred years. Both at Charleston and New Madrid earthquakes occur in regions where the earth's crust is being overloaded in the one instance by sediments brought down by streams from the Appalachian Mountains and in the other by the floods of the Mississippi, and the fracturing is believed to have resulted from the readjustment of the harder rocks to the increased load.

Mr. F. W. Sohon, of the Georgetown University Seismological Observatory, in a letter written May 23, 1930, had the following to say:

With regard to the probability of another earthquake similar to that of 1811, seismologists regard it as an axiom that where there has been an earthquake there will surely be another. It is true that an earthquake relieves a strained condition that has been a

long time in forming, but the area of the Madrid earthquake of 1811 was visited by an earthquake of similar intensity a hundred years earlier so that another hundred years having elapsed another visitation may be in order.

The relation of eroded material to earthquakes is probably one of direct casualty in the long run, for the denuded areas become lighter and must be pushed up, while the areas receiving the additional load by becoming heavier must be expected to sink.

I do not want to undertake the role of prophet. I am merely giving the result of scientific investigation. The more civilized we become and the more we know in and of this world, the more respect we have for men who have a scientific turn of mind.

The earthquake of 1811, concerning which few people have any knowledge, created Reel Foot Lake, located in Tennessee. It is said that the course of the Mississippi River ran north for 24 hours. A full account of this horrible seismic disturbance may be found in Bulletin 494, issued by the Department of Interior and entitled "The New Madrid Earthquake." Since it is now well known, as a result of the observation of scientists, that this, the greatest of all earthquakes, occurred from causes due to soil erosion and the maddened flow of on-rushing waters, it is by no means unwise to give consideration to an appreciable extent to the destructive effects of uncontrolled floods as reflected by the great catastrophe that took place at Madrid, Mo., beginning December 16, 1811, and continuing with more or less severe shocks for more than a year.

The earthquakes of history have been the cause of greater loss of life and property than any other known agency. Any system of water control that can by any possible means control and direct the agencies that cause seismic disturbances so appalling in results should be supported and maintained by the National Government.

At the outset of this discussion I stated that before the removal of our forests for commercial purposes and before the extensive cultivation of our western prairie lands for growing wheat and corn, thus depleting the cover grasses that since the beginning of time had kept the water line close to the surface, there was a time when the dangers from excessive waters were by no means serious. By the help of these natural agencies, such as cover grasses and the timber growth, individual localities were able to combat successfully the injurious tendencies of swollen streams.

For a considerable period of time, and by no means not until these cooperative natural agencies were removed and no vestige thereof was remaining, in order to meet the demands of trade and commerce and the mounting requirements of civilization, the people living directly in the flood paths were able to make themselves reasonably secure from any flood disasters.

I have in mind a particular instance illustrating this point. In a bend of the Mississippi River, about 25 miles south of Vicksburg, Jefferson Davis, the President of the Southern Confederacy, and his brother, Joe Davis, owned adjoining plantations, and on these tracts of land built magnificent homes. The residence of Mr. Jefferson Davis still stands and is in a perfect state of repair. Not so very long ago a friend of mine visited this magnificent site because of its historic interest, and while seated in the dining room of the old Davis home during the evening meal observed to his amazement a water line uneffaced upon the plastered walls, indicating clearly the height, about 8 feet, to which at some previous time the floodwaters of the Mississippi River had risen. Whereupon this friend inquired of the caretaker why it was that a man of Mr. Davis' knowledge of the Mississippi River and its overflow possibilities, a man of his ability to make wise decisions as to his financial investments, as had been evidenced by past performances, would build a beautiful home to live in and rear a family at a spot where the waters of the valley would rise 8 feet in the dining room. The answer given by the caretaker was that when Mr. Jefferson Davis and his brother Joe bought these properties and built homes and tenant houses upon them the waters from the Mississippi River had never been known within the memory of man to cover any part of these two large plantations.

At the time these properties were improved, and hundreds of years prior thereto, the Indians lived in many sections of the Mississippi Delta, as may be seen from the numerous mounds that today dot large areas from Natchez on the south to Memphis on the north. These mounds are in no sense to be considered as constructed for places of refuge from the floods, because mounds of the same size and character are to be found in the hill sections of the State, where the Choctaws and the Chickasaws lived.

As time passed on, from the day Jefferson Davis settled at what is now called Palmyra, overflows on the Mississippi River have at more and more frequent intervals been recurring, each time with accumulative force and violence. This gradual increase in frequency of flood stages and in volume of waters that annually flowed through the Mississippi channel may be measured with fine exactness by the progress made in denuding the lands of the upper reaches of the tributaries of the Mississippi of the forest timbers, and in the extent of turning under the grass coverage of our western plains and other areas by the plowman.

This tendency, increasing at a geometrical ratio toward a more terrifying flood menace, has now become manifest, not only in the Mississippi Valley but in almost every other section of our country, in areas where just a short time ago no signs of a flood problem were to be seen upon the horizon of coming events.

Today it may be stated as an irrefutable fact that the ratio of the progress made in depriving our lands of the forests and cover grasses corresponds to the ratio of increased flowage of waters through our navigable channels and their tributaries. Upon the basis of this theory, which determines and definitely fixes the primal cause of accumulative flood devastation and disasters appertaining to the Nation as a whole, I am prepared to propound this interrogatory:

Since our priceless forests have gone into the grinding, greedy crawl of trade and commerce to improve the general welfare of all the people to increase the growing wealth of the Nation; since this bountiful gift of nature, this invaluable heritage belonging to all the people, has gone into homes for their comfort and ease, has been fashioned into ships to carry their commerce on the seven seas, has been employed for fuel to propel their engines and warm their firesides, and for material to construct the coffins in which to bury their dead; since the perennial carpet of evergreen grass which lay unmolested upon our expansive prairies for untold centuries like a benediction from a beneficent heaven whereon have trod the hoofs of buffalo and bison from a far-away past to which the memory of man runneth not has been upturned by ruin's cruel plowshare in order that the Nation's wealth might be augmented, that the teeming millions of our country might be given an abundance of bread, that our soldiers might be fed on a foreign soil and all those who fought with them to make the world safe for democracy; since all these things have transpired for the improvement and betterment of the general welfare, for the enrichment of the Nation's wealth, and the glorifying of a more exalted civilization, may I not now, in the year 1936, in the presence of this Congress, elected by the people, call with the utmost propriety, supported by every rule of reason and justice, upon this Nation through its constituted authority, the Congress of the United States, to restore to the people of America that which has been taken at a pitiful price lest it be our lot to have brought upon us the fate of those dwellers on the banks of the Nile, the Tigris, and Euphrates, and of the starving millions living on the sandy wastes of desolate China?

I call upon the Members of this body to return to the lands of our country those natural agencies which have been, and if restored may yet be, our best means of preservation. Give back to the people without price that measure of the wealth taken from the land for the enrichment of the general welfare that is requisite to the restoration of a condition that will also promote the general welfare and at the same time make every part of our Nation a fit place in which to live.

If the Nation exhausts the natural resources of the country or permits it to be done to the extent that the lives and

property of a vast majority of the people are seriously endangered by a menace occasioned by the consumption of these resources, it is nothing but right and altogether proper that the Government at its own expense should take the necessary steps to avert the impending peril thus created. A common danger made possible by the removal from their natural placements of instrumentalities that have gone into the promotion of the public good and contributed to the progress of civilization should be eliminated by a restoration in proper degree of those self-same instrumentalities by the Government at the expense of the whole people who, together with the Government, have been the beneficiaries.

In conclusion, I wish to state that we are starting on the highway to spend \$12,000,000,000 in the proper solution of the flood problem, which menaces the lives and property of the people of the Nation. As we start, let us start right. Let us fix the responsibility upon the persons who are to be the beneficiaries; and from every reasonable standpoint and from every logical argument and from every fact that may be deduced, the benefits will accrue to every man and woman of this Republic.

If that be true, then the burden should be borne by the people of the entire Nation and not saddled upon this section or that section. One may be able to pay it; another one is not able to pay it. Let us put it on all. Let the blessings that will follow cover the people of the Nation like the dew that covers the face of the earth, and let the burden be distributed in the same way.

Mr. President, I offer and move the adoption of the amendment which I have read as a substitute for section 3 of the committee amendment.

The PRESIDING OFFICER (Mr. MURPHY in the chair). The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of section 3 as printed in the committee amendment, it is proposed to insert the following:

SEC. 3. It is hereby recognized that the Federal Government should assume the full burden and responsibility for the improvement of navigable waters or their tributaries for flood-control purposes and that neither the whole nor any part of the expenditures necessary for the construction of any project within the provisions of this act shall be required of any State or the States, political subdivisions thereof, or other responsible local agencies.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment of the committee.

Mr. DAVIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	O'Mahoney
Ashurst	Clark	Holt	Overton
Austin	Connally	Johnson	Pittman
Bachman	Coolidge	Keyes	Pope
Bailey	Copeland	King	Robinson
Barbour	Couzens	La Follette	Russell
Barkley	Davis	Logan	Schwellenbach
Benson	Dieterich	Loneragan	Sheppard
Bilbo	Donahay	Long	Shipstead
Black	Duffy	McAdoo	Smith
Bone	Fletcher	McGill	Stelwer
Borah	Frazier	McNary	Thomas, Okla.
Brown	George	Maloney	Truman
Bulkley	Gerry	Metcalf	Vandenberg
Bulow	Gibson	Minton	Van Nuys
Burke	Glass	Moore	Wagner
Byrd	Guffey	Murphy	Walsh
Byrnes	Hale	Murray	Wheeler
Capper	Harrison	Neely	White
Caraway	Hastings	Norris	
Carey	Hatch	Nye	

The PRESIDING OFFICER (Mr. POPE in the chair). Eighty-two Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, S. C.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7736) to provide for the establishment of the Whitman National Monument, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DEROUEN, Mr. KNUTE HILL, and Mr. ENGLEBRIGHT were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8766) to authorize municipal corporations in the Territory of Alaska to incur bonded indebtedness, and for other purposes.

The message informed the Senate that Mr. JENKINS had been appointed a manager on the part of the House vice Mr. TREADWAY, resigned, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes.

INTERIOR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 10630, the Interior Department appropriation bill, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,

May 20, 1936.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 31, 32, 33, 35, 39, 50, 52, 56, and 83 to the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 46 to said bill and concur therein with the following amendment:

In lieu of the sum proposed to be inserted by said amendment insert "\$432,300";

That the House recede from its disagreement to the amendment of the Senate numbered 87 to said bill and concur therein with the following amendment:

Page 19, line 11, of the Senate engrossed amendments, strike out "\$40,000" and insert "\$25,000"; and

That the House insist upon its disagreement to the amendments of the Senate numbered 24, 53, and 54 to said bill.

Mr. HAYDEN. I move that the Senate agree to the amendments of the House of Senate amendments numbered 46 and 87.

The motion was agreed to.

Mr. HAYDEN. I also move that the Senate further insist on its amendments numbered 24, 53, and 54, and request a further conference with the House of the disagreeing votes of the two Houses thereon.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. McKELLAR, Mr. THOMAS of Oklahoma, Mr. NYE, and Mr. STEIWER conferees on the part of the Senate at the further conference.

NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment of the committee.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Pennsylvania whether he desires to speak on the amendment now pending?

Mr. DAVIS. Mr. President, yesterday, I called attention to the fact that I believed that flood control should be considered a Federal responsibility. Those who assert that half

of the burden should be carried by local agencies do not specify how those agencies can meet the responsibility.

Take the case of Pittsburgh, as an example. While there are in Pittsburgh a few rich corporations, and some handsome business buildings, a general tax of all the property owners of the city to finance a flood-prevention program would work a tremendous hardship on the many without assessing a proportionate share of the responsibility on those best able to sustain the burden.

I believe that the responsibility should rest upon the country as a whole, because those best able to sustain the burden should pay their full part of the cost of flood control.

Unless the National Government assumes the full financial responsibility, there will be further delay, and each year may witness additional flood loss.

The Federal Government, through its power to tax, can best meet this need, and distribute the responsibility with greater equity than can be achieved through dependence on local communities.

As I said yesterday, local units of government should play their part in administrative responsibility, but the machinery of tax collection requires the authority of the Federal Government.

Mr. President, I am in favor of the amendment offered by the Senator from Mississippi, and I hope it will be agreed to.

Mr. CLARK. Mr. President, I do not desire to detain the Senate by a repetition of the arguments which have been so ably presented by the Senator from Mississippi [Mr. Bilbo]. I do wish to emphasize that the enactment of a flood-control bill at all is a recognition of the fact that the matter of flood control, the matter of the prevention of this most disastrous scourge to our American life, is essentially a national problem, and that is true from its very nature.

Nature does not regard arbitrary State lines in dumping water from one State into another in the creation of these great disasters. As a matter of fact, in most of the cases which have been testified to by the Army Engineers and other authorities before the Committee on Commerce, which are included in the bill, there is an essentially interstate character to the problem itself. For instance, it is testified that the best method of protecting the lower Connecticut Valley is by reservoirs and dams located in Vermont and New Hampshire. Certainly the Fort Peck Reservoir, located in Montana, will be of very great advantage to the lower Missouri and lower Mississippi channels in the matter of prevention of floods. To my mind—and I believe this is borne out by the engineering report—the best way of protecting the lower White River Valley would be by a dam located in Missouri, some 7 or 8 miles from the Arkansas line.

The works necessary to protect the city of Pittsburgh from such a disastrous flood as took place this winter would in large part be located outside the State of Pennsylvania; and in such cases as that, Mr. President, it is perfectly preposterous to talk about assessing the local benefit or requiring local contribution from the localities at which the dams have to be located, because, in a great number of instances, the localities in which the dams have to be located will enjoy no advantage whatever by reason of the location there of the dams. Some other State or some other locality farther down on the main stem of the stream will enjoy the benefit from a dam located at another place. To empower some official of the Federal Government to enforce local contribution or State contribution as a condition precedent to the construction of the works is simply to say in so many words, in enacting the bill, that we do not intend to have the work done.

The Senate itself has very recently passed on the policy of that matter in the enactment of the Overton flood-control bill. That act provides for the building, at Federal Government expense, of a causeway, an elevated highway, to be used for both highway and railroad purposes, over the Eudora floodway and over other floodways. It is a remarkable proposition to say, simply because the provisions of the Overton bill are in one act and the provisions for the rest of the country are in another act, that one rule of Federal contribution shall be applied to the State of Louisiana and to the State of

Arkansas and another rule shall be applied to all the rest of the United States.

To say that a Government agency or a Government official shall be empowered to pass on the contributions to be made by the local agencies and the States is, I repeat, to my mind simply to defeat the whole purpose of the bill.

While the Senator from Mississippi occupied the floor, I mentioned a while ago an evidence of what bureaucrats may believe to be fair and equitable when it comes to the application of such a principle, and that was the opinion of the late Chief of Engineers, General Jadwin, a very able engineer, who seriously proposed, both before the House Committee on Flood Control and the Senate Committee on Commerce, that the State of Missouri should be assessed for the construction of a floodway to be built on the Missouri side of the Mississippi River for the protection of Cairo, on the Illinois side of the Mississippi River, and in response to a question before the Commerce Committee by my predecessor, Senator Hawes, General Jadwin said it seemed absolutely inconceivable to him that the Legislature of Missouri would not be willing and glad to appropriate a couple of million dollars for building a floodway on the Missouri side of the river, to her own damage, for the purpose of protecting the city of Cairo, on the Illinois side of the river.

Mr. President, the theory of local contribution and of State contribution is a beautiful theory, and a just policy in theory, but when applied to the intricate problems which nature has supplied the country in the intimate interstate relationship of water passing from one State to another, regulated not by boundaries established by law but by courses established by nature, the theory completely fails. As a matter of fact, the only justification on earth for the passage of any flood-control bill is that the problem of flood control is essentially a national, interstate problem, and if it is a national, interstate problem, it ought to be handled from the standpoint of the Federal Government. If it is not a national, interstate problem, then the Federal Government has no right to be spending public moneys on handling the problem at all.

Mr. GUFFEY. Mr. President, I favor the enactment of the Bilbo amendment, because, in my opinion, a flood-control bill without the Bilbo amendment is not practical, is not feasible, and is not enforceable; and I predict that not a single flood reservoir will ever be built under the bill if it does not contain the Bilbo amendment.

I think the bill as it is now constituted is unjust and discriminatory, and I hope the Bilbo amendment will prevail.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. VANDENBERG. Mr. President, does the Senator from New York intend to address himself to the pending amendment?

Mr. COPELAND. I do wish to make a few remarks.

Mr. President, I desire to say in the most solemn words that, in my opinion, the bill will not become a law if the amendment of the Senator from Mississippi shall be adopted. I hesitate to say that, because I have had my feelings ruffled a good many times when a similar statement has been made about some other bill; but it has not been the practice of our country to go forward with projects which in the last analysis are local in their nature so far as benefits are concerned, and have the charge for them made upon the Federal Treasury.

This matter was debated in the Constitutional Convention of 1787. The question arose as to establishing post offices, and giving to the Congress power to establish post offices. It was then decided that jurisdiction over post roads should also be given to Congress. I can quite understand why the convention included post roads in that remote day, because the morasses and marshes and jungles of our country were such that without roads the mails could not be carried, and horseback travel was interfered with.

So it was provided that post roads might be established, and power was given to the Congress to appropriate money for that purpose. That provision of the Constitution is the constitutional reason why it has been possible for us to have the great system of highways which we have built throughout our country.

When the matter was up in the Constitutional Convention Dr. Benjamin Franklin proposed that the Congress should have the power also to build canals. He proposed that Congress should establish post offices and build canals. In those days canals were short affairs conferring local benefits. When he made that proposal, however, the delegates smote him hip and thigh. They said, "No; the building of a canal confers a local benefit, not a Federal benefit." So it has been the policy and the practice from the first that the localities should at least provide the land and pay the cost of damages for building these Federal highways.

May I have the attention of the Senator from Massachusetts [Mr. WALSH] for a moment? There is a misunderstanding as to the purpose and intent of the bill as regards section 3. My distinguished friend from Mississippi did much to promote that misunderstanding in his very able speech. He will forgive me for saying so. There is not anything in the bill which provides that the State or locality must put the money on the drumhead or the barrel head, or whatever phrase he used—an unfamiliar one to me.

Mr. BILBO. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield.

Mr. BILBO. Just what would have to be put up to get results—money or a promise to pay? What is the difference between the two?

Mr. COPELAND. I shall reply to that question in a moment. In order to make more clear what is intended, so far as I am authorized to do so, I am willing to accept an amendment which is now in the hands of the Senator from Massachusetts.

Mr. WALSH. May I offer it at this time?

Mr. COPELAND. I wish the Senator would. Will the Senator from Mississippi permit us, a little bit out of order, to present a perfecting amendment?

Mr. BILBO. Yes; Mr. President.

Mr. WALSH. I offer an amendment to the committee amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 55, line 14, following the word "Provided", at the end of the line, it is proposed to insert the following:

That the construction of any dam authorized herein may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: *And provided further.*

Mr. WALSH. I understand the amendment is acceptable to the Senator from New York, and I am sure the Senator from Mississippi will agree to it, because it is moving in the direction he desires to move.

Mr. BILBO. I ask that the Clerk again read the amendment.

Mr. COPELAND. Mr. President, I should like to say, so that it may appear in the RECORD, that the amendment comes in on page 55, following the word "Provided", at the end of line 14. The conditions now are being recited in order that we may know exactly what the Army Engineers will do. Therefore, the Senator from Massachusetts has offered the amendment.

The PRESIDING OFFICER. The clerk will again state the amendment.

The CHIEF CLERK. In the committee amendment, after the word "Provided", in line 14, page 55, it is proposed to insert:

That the construction of any dam authorized herein may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: *And provided further.*

Mr. COPELAND. Mr. President, it will readily be seen what this means. Perhaps the language in the bill is awkward, and I think the Senator from Mississippi has rendered a service in pointing out the ambiguities of the language. It is expected that the land upon which a dam may be built shall be purchased. There is never any difficulty about that, because the Army Engineers have great latitude. It is not specified that a dam shall be built at a particular and certain location, but is to be built upon the river within reasonable distance from the place specified, which might be 10 or 15 miles away. So the Federal Government is not going to be robbed in the purchase of the land upon which to build the dam, because there will be rivalry of bidding; and can be no monopoly or a holding up of the Government for the purchase of a specific site. The dam site having been provided, the Government can proceed with its work without waiting for the acquisition of the reservoir area back of the dam which is to be the place in which the floodwaters are to be controlled.

Mr. BILBO. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I yield.

Mr. BILBO. Is it the Senator's understanding under the amendment offered by the Senator from Massachusetts to the committee amendment that the Government will buy the right-of-way upon which to build the dam?

Mr. COPELAND. Oh, no; no more than in the Senator's State, the Federal Government bought the land upon which the levees were built. The people of the State bought the land; they paid for the land; they paid nearly a half a billion dollars in the great lower Mississippi Valley for sites upon which to build levees. It is expected that in my section of the country, the State of New York, the State of Pennsylvania and other Northern States, including the State of Massachusetts and the State of Connecticut, which heretofore have not received Federal money for projects of this character, shall do exactly what our friends of the South have done in the past.

Mr. WALSH. Mr. President, the amendment proposed by me does not in any way deal with the subject matter of the amendment proposed by the Senator from Mississippi. My amendment merely provides for speed of action pending a determination of other questions involving the States.

Mr. COPELAND. It answers the just criticism of the Senator from Mississippi that there might be delay in proceeding with these matters; that it would take a long time to condemn the land or to acquire the land for the reservoirs, and consequently that there would be delay.

Mr. WALSH. I suggest that the amendment be adopted, and then the Senate can proceed with the consideration of the amendment of the Senator from Mississippi. I am sure he will be agreeable to that course.

Mr. COPELAND. Will the Senator from Mississippi withdraw his amendment for a moment in order that the amendment offered by the Senator from Massachusetts may be acted upon?

The PRESIDING OFFICER. The Chair will state that the amendment of the Senator from Massachusetts [Mr. WALSH], being in the nature of a perfecting amendment, takes precedence over the amendment of the Senator from Mississippi [Mr. BILBO] to strike out. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. COPELAND. Now, Mr. President, that certainly clears the atmosphere. I desire to make clear how liberal the bill is in providing means of going forward with this work.

Section 4 is a blanket provision giving notice in advance that the States may enter into compacts. The States of Connecticut and Massachusetts and New Hampshire and Vermont I think are already proceeding in that direction. They have had informal meetings; they have made arrangements seeking to obtain appropriate action by their respective legislatures. In my State the legislature has already set up

conservancy districts, civil improvement districts, and has made provision for supplying the money for the necessary works in New York State. In short, this bill makes every provision for speedy action.

I confess I should not want to be on the Board of Army Engineers. It would be enough to give any man a headache to have to decide about these allocations, but they say they can do it. The Senator from Mississippi referred to Einstein and Pythagoras and other great mathematicians of the past, but the Army Engineers are willing to assume this responsibility. For myself, I wish to say that there seems to be no end of what they can do and they command my greatest respect.

Mr. President, I beg of the Senate, regardless of what it may do with the Guffey amendment which will come in later, not to adopt the amendment offered by the Senator from Mississippi. If the Senate wants a bill, that amendment must be killed.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment reported by the committee.

Mr. BILBO. Mr. President, this is an unusual method to resort to in order to defeat a proposed amendment. Instead of resorting to facts and arguments, the proposition is made to the Senate to defeat the amendment because of a veiled threat that the bill will not become a law if it shall be perfected in the interest of the taxpayers and in the interest of the prosecution of this worth-while Nation-wide program.

Of course, the statement by the Senator from New York could mean only one thing, that he anticipates or rather has information in advance, that if the bill shall be amended according to the substitute I have offered for section 3, it will meet with an Executive veto. It could not mean anything else.

I wish to place myself in the right attitude. I hail from Mississippi, which has the reputation of being the strongest and most thorough-going Democratic State in the American Union. That was proved in the campaign of 1928, when out of 82 counties even Al Smith carried 80 of them, with all the charges at his door in that campaign and with all the prejudice resorted to in connection with the issues of that campaign. And, so far as the present occupant of the White House and the present administration are concerned, I repeat that Mississippi is more strongly behind President Roosevelt and his administration than is any other State in the American Union.

In fact, recent surveys conducted by the institute of public opinion of America and all the tests taken show that Mississippi is almost a hundred percent behind President Roosevelt and his administration and the New Deal. In reality he is so strong and his administration is so universally approved that a man would be a fool to undertake to make a campaign in Mississippi with Roosevelt and the New Deal as an issue. It would be like a man going out and running for office and saying, "I am in favor of pure air." He would be a laughingstock. Everybody in Mississippi is for Roosevelt and the New Deal, and for a man to make a race for office in that State upon the ground that he favors the New Deal and President Roosevelt would be an absurdity; it would be foolish on his part. I repeat, he had just as well go out and say, "I am running for office in Mississippi because I believe in pure air to breathe and good water to drink." In those sentiments toward the President and the present administration I fully concur and share, notwithstanding the fact that some of the syndicate writers for some of the newspapers in Washington have attempted to represent me as an antineutral dealer and as anti-Roosevelt. I would hardly dignify such statements by saying that they are lies, because the leader on the floor here knows that since I have been a Member of the Senate my support of the administration has been almost 100 percent, and certainly my convictions as expressed in Mississippi have never shown that I was anything except a follower and an admirer of President Roosevelt and a sympathizer with the New Deal.

I merely make this statement to lay the predicate for what I am going to say about the veiled threat offered by

the Senator from New York [Mr. COPELAND] that if we want a flood-control bill we had better kill the substitute which the Senator from Mississippi has offered to section 3.

I have no information from the White House that the President would veto the flood-control bill, which affects the entire Nation, if the Congress should decide that it is a national responsibility and that the expense of doing these things for all the people of the Nation should be borne by all the people of the Nation. But even if I had heard through rumor that the President would not look with favor upon this amendment, that would not deter me from performing my duty and my responsibility to my people and to the people of the Nation in casting my vote as my judgment and conscience dictate. Then, after the bill had been perfected and presented to the White House, if the President, in the exercise of his judgment and his power, should veto it, we would have time to reconsider it.

As I look into the future, and as I visualize what we are now doing in establishing this policy of local participation in carrying out a program which will eventually cost from \$12,000,000,000 to \$15,000,000,000, I do not know but that I would be willing to say, let us defeat the bill rather than pass it with this provision in it.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. BILBO. I yield.

Mr. WALSH. The Senator has given a great deal of study to this subject. I should like to inquire if, after looking into the question, he has determined what local contributions, if any, have been made in the past when we enacted legislation toward the construction of projects for flood control.

Mr. BILBO. I think I am prepared to say that the little flood legislation we have enacted has contained no requirement that local communities should contribute.

Mr. WALSH. We had a dispute about that on the floor of the Senate a few days ago, and I believe the Senator from Louisiana [Mr. OVERTON] made claim to the contrary.

Mr. BILBO. There may have been some small contribution.

Mr. WALSH. The Senator from Arkansas [Mr. ROBINSON] would know what has been the practice in the past.

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I yield.

Mr. ROBINSON. As to all the flood-control works which have been constructed on the Mississippi River with which I am familiar, local contribution has been required. At first the entire cost of levees was imposed on the localities.

Mr. BILBO. To what extent?

Mr. ROBINSON. Later the rule was one-third of the cost to be paid by the local interests. Subsequently the system seemed to be changed to that which is carried in the bill as it passed the House, in section 2, where it was required, as in the bill reported by the Senate committee, that the local interests should pay the cost of the rights-of-way, the cost of the lands necessary for the location of the works, and also the damages.

As to the works contemplated by the Overton Act, there was a recognition of the fact that there had been contributed a very large amount, many millions of dollars—more than \$250,000,000—by the local interests as a justification for not requiring further contributions. In some of the territory, as I believe the Senator from Mississippi will recall, the costs of levee construction on the main stem of the Mississippi had been so great as to be almost confiscatory of the lands within the levee district. The aggregate contributions have been in a very large amount.

Mr. OVERTON. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. Certainly.

Mr. OVERTON. I may add to what the Senator from Arkansas has said that the only flood-control legislation enacted by Congress has provided for local contribution. As the Senator from Arkansas pointed out, originally the States

and local subdivisions contributed one-third of the entire cost.

Mr. WALSH. That is, the cost of the land and for construction of the dam?

Mr. OVERTON. That is for the entire cost. There is still a requirement in respect to the tributaries on the lower Mississippi River, on projects outside the so-called Jadwin plan, that there shall be a local contribution of one-third of the entire cost. The Flood Control Act of May 15, 1928, which adopted the Jadwin plan and which relates to the lower Mississippi Valley, required the States and local subdivisions, at their own cost, to contribute all rights-of-way for the construction of levees on the main stem of the Mississippi River, and after the levees have been constructed it required the States and local subdivisions to bear the cost of the maintenance thereof.

Mr. WALSH. That is the present law, is it not?

Mr. OVERTON. Yes; that is the present law. The Overton flood-control bill which was passed by the Senate and which is now being considered by the House contains the local-contribution provisions embraced in the 1928 act. We still have to provide rights-of-way for the levees along the main stem of the Mississippi River and we still have to maintain the levees after construction.

Going a little further into detail, it was declared by Congress in the act of 1928 that the principle of local contribution was sound. That was the last expression of congressional will and purpose upon the subject. Then it was said by the Congress of the United States that, in view of the fact that the States in the lower Mississippi Valley and their subdivisions had contributed \$292,000,000 toward the construction of levees, no further local contribution would be required from them; but the act did require, in spite of that declaration, that the local interests should furnish the rights-of-way, as I have stated, and should maintain the levees.

Mr. WALSH. What does the \$292,000,000 represent?

Mr. OVERTON. That represents the total sum which has been expended by the States of the lower Mississippi Valley and their local subdivisions for flood control and flood protection.

Mr. ROBINSON. That would include rights-of-way, easements, and construction work?

Mr. OVERTON. Yes.

Mr. WALSH. What period of years did that cover?

Mr. OVERTON. From the inception of man's battle against floods in the lower Mississippi Valley. Since the enactment of the act of 1928, which declared that no further local contribution should be required in the lower Mississippi Valley by reason of future requirements for local contributions, the States of Mississippi, Arkansas, and Louisiana, according to the records furnished by the Missouri Valley Commission, have contributed \$41,000,000 plus toward flood control in the lower Mississippi Valley.

Mr. BILBO. Mr. President, I am not concerned about the views of anyone else; neither am I concerned about the fate of this bill in its immediate passage when I am conscious of my own duties and responsibilities, and when I visualize what we are starting when the bill becomes a law.

As I have said heretofore, the final solution of the flood problem of the Mississippi River, which affects my State vitally, perhaps as much as any State in the lower Mississippi Valley, will require the construction of 1,600 to 1,800 reservoirs in the vast territory extending from the Appalachian system on the east to the Rocky Mountains on the west. The enactment of the section which I am opposing I know means 1,600 to 1,800 assessments against my people this year, next year, and throughout the entire period of the prosecution of this program. I care not what record others may make; I shall make my own record. I have a strong suspicion that when the chairman of our committee stands here and holds the big stick over the head of the Senate and says, "If you want a bill, you had better kill this amendment", I have a very slim chance of securing its adoption. In other words, the fear of Executive wrath is such that there will be no trouble in killing my amendment.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BILBO. Yes; I yield.

Mr. COPELAND. I do not think I have ever been charged with the fear of Executive wrath. This is one time when, with all good conscience, I can say that if a veto should come I should be for it 100 percent, because the measure would be un-American and contrary to all the traditions and policies of the past.

Mr. BILBO. I appreciate the boldness of the Senator from New York in always asserting his convictions, regardless of what others may think or do; but it just so happens in this case that the anticipated Executive opposition synchronizes with the views of the Senator from New York.

Mr. COPELAND. That is true.

Mr. BILBO. Of course, it is no trouble for the Senator to be brave on this occasion.

Mr. COPELAND. Mr. President, if the Senator will yield, such occasions are so rare that I am sure the Senator does not feel badly that there is one occasion when I can be brave in that particular direction.

Mr. BILBO. I rejoice with the Senator from New York that he has at last found one occasion on which he can harmonize with the Executive. The point is that I am not willing, for a present, immediate relief on this or that subject, to write into the bill in haste, and, in order to be agreeable, consent to a policy which I know will mean so much in the years to come to my people and to the people of the Nation. I have performed my duty, my responsibility to my people, as best I know how.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BILBO. Yes.

Mr. CLARK. Has anyone any assurance about this bill being signed, even when it is loaded down with the section which the Senator from Mississippi is seeking to strike out, and with the provision allowing the President to look through the bill and pick out particular projects which he may particularly favor, and even when it is additionally loaded down with the creation of a new commission, which I understand will be the fortieth since March 4, 1933?

Mr. BILBO. As Senators know, there is an old saying that "only fools and dead people do not change their minds"; but I have a suspicion that with the amendments which have been put on the bill, the rumor referred to by my friend, the chairman of the committee, is erroneous, and that the good judgment and patriotism of the Executive will prevail, and that even if the amendment I am advocating shall be put in the bill, it will become a law if it shall make its way through the House.

Mr. CLARK. The Senator means to say, then, that so-called "pork" may take on a better odor when salted down with a new commission? [Laughter.]

Mr. VANDENBERG. Mr. President, of course I have no knowledge as to whether or not the President would veto this bill if it should be loaded down with the Bilbo amendment; but I have a very profound conviction that if the amendment were added to the bill, and the President should veto it, he would be doing exactly what he ought to do.

Mr. President, this is another of those situations such as we confronted yesterday afternoon, when the Senate, with complete good sense, decided not to set a dangerous precedent in respect to the limitless nature of the new flood-control responsibility which the Federal Government has now accepted. This question cannot be settled safely on the basis of what will happen to the State of Mississippi in respect to some one particular flood situation. This question must be settled in respect to what will happen to the United States of America and all its taxpayers, not only under the pending flood bill but under all the subsequent flood bills which are going to flood Congress itself when once this policy is established.

Let it not be overlooked that this is the first time in 150 years of American history when it has been proposed to assert that floods upon practically all the rivers of the United States constitute a menace to national welfare and are a Federal responsibility. The moment we have accepted

that responsibility, we have accepted it not only for the flood waters concerning which the Senator from Mississippi speaks, but we have accepted it for every navigable stream and every tributary of every navigable stream in 48 States of the Union; and the human imagination can hardly encompass the total extent of the burden and responsibility which is thus laid at the door of the Treasury of the United States by the adoption of this policy.

I am not quarreling with the adoption of the policy. I am prepared to vote for the bill on a basis of reasonable prudence; but I assert that this almost boundless responsibility must have some small element of an automatic check upon it, and the only automatic check in the world that can be applied is the check provided by a small degree of local responsibility and local cooperation, through the medium of local contribution. If we eliminate all local cooperation from this contemplation, we open a Nation-wide racket. There is not any doubt about it. That will be the net result. There are hundreds and hundreds of perfectly legitimate flood-control projects, just as there are hundreds and hundreds of legitimate river and harbor projects; and then there are thousands of illegitimate river and harbor projects, and there will be thousands of illegitimate flood-control projects. Except as we tie down this new responsibility to some sort of local contribution, we may talk about floods, but we have turned loose upon the taxpayers of this Nation a deluge which they simply cannot swim out from under.

The Senator from Mississippi says, "Why, this bill will involve 1,800 assessments on my State of Mississippi, and I do not propose to stand for it." Well, Mr. President, it will involve the same 1,800 assessments on my State of Michigan without its being in the line of the flood waters at all. The Senator from Mississippi complains against a local contribution in respect to an improvement which has a national aspect. I am perfectly willing to accept my share of the national burden which is asserted under this section; but if, in addition to that, the Senator from Mississippi, coming from an area which has an immediate and intimate advantage to be gained from the bill, is to assert that he cannot confront 1,800 assessments in respect to it on account of direct local advantage, then I do not see how he can expect 47 other States in the Union to accept their share of the other portion of this assessment, when they are not in the line of danger at all.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. BILBO. The Senator said the State of Michigan would get no benefit from the proposed legislation.

Mr. VANDENBERG. I did not say that. I said we were not in the direct line of danger. There is a benefit to every section of the Nation when the flood problem is met, I freely concede, and conceding it, although I am from a State which is blessed, apparently, by suffering from none of these major flood disasters, I am perfectly willing to have my State pay its full share of the heavy Federal contribution which the pending bill would require. But I am not willing to assume, in addition, the expense of local contribution which legitimately belongs with those directly benefited.

Mr. BILBO. I was just about to suggest to the Senator that we will continue to buy furniture, automobiles, and other things from his State, so his State will be able to pay its share of the expense of putting this flood control over.

Mr. VANDENBERG. Certainly; we are a national unit so far as the ultimate problems of the Nation are concerned, but in respect to the fundamental need to put some sort of a check upon legislation of this character, it seems to me that it is perfectly obvious, if we leave it 100 percent a burden upon the Federal Government, that we will open the door to the same old racket which was the bane of our existence in respect to river and harbor legislation until we established the new order of procedure.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BILBO. Let me ask the Senator this question. Is it the fixed policy of the Congress and of the Government, and has it been for a long time, to approve no project unless it receives the O. K. of the Board of Army Engineers?

Mr. VANDENBERG. Yes.

Mr. BILBO. Does not the Senator consider the Board of Army Engineers, composed of men of such type and such training, most of them being graduates of West Point, trained for the Army, in a patriotic service, would be an ample safeguard and protection on behalf of the taxpayers against all this bugaboo of "pork barrel" legislation, about which the Senator is speaking?

Mr. VANDENBERG. I do not.

Mr. BILBO. If no project can be undertaken unless the Board of Army Engineers approves it, then the Senator would intimate that the Board of Army Engineers would become a party to the "pork barrel" legislation.

Mr. VANDENBERG. Mr. President, the Board of Army Engineers is at the mercy of the situation they confront when once there is established a new policy which accepts for the Federal Government the responsibility for flood conditions upon all these rivers. I am asserting that the Engineers can find flood situations which need to be met, yet which are essentially local in their complete jurisdiction, which, so far as the Engineers are concerned, they are perfectly powerless to exclude if we have accepted this Nation-wide responsibility.

It is not the Board of Engineers upon whom we can rely to foreshorten this responsibility. The only reliance I know of is that same automatic rule which has worked heretofore in respect to flood control, which is working in respect to river and harbor development—the rule of local contribution, the rule which still asserts that there is a home responsibility under this Government, and that the Federal Treasury is not the ultimate catch-all for all the aspirations and all the appetites of all the people of the land.

I submit that as an elementary protection of the public credit, at a time when the public credit magically needs protection, under this new declaration of policy we had better not open completely, without restraint, the flood-control prospectus accepted by the Federal Government to the whole \$15,000,000,000 of projects which will come tumbling in upon us if we do not provide self-restraint of the character reported and recommended by the committee. The pending amendment should be defeated as a matter of elementary fiscal prudence in this hour of terrific fiscal hazard.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO] to the amendment of the committee.

Mr. BILBO. I should like to have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McNARY (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. HARRISON], who is necessarily absent. I transfer that pair to the junior Senator from New York [Mr. WAGNER] and vote "nay." I am advised that if present the Senator from Mississippi [Mr. HARRISON] would vote "yea", and the Senator from New York [Mr. WAGNER] would vote "nay."

The roll call was concluded.

Mr. AUSTIN. I desire to announce that the Senator from Delaware [Mr. TOWNSEND] has a general pair with the Senator from Tennessee [Mr. McKELLAR], and that the Senator from North Dakota [Mr. NYE] has a general pair with the Senator from Maryland [Mr. RADCLIFFE].

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Nevada [Mr. McCARRAN] are detained from the Senate on account of illness.

The Senator from North Carolina [Mr. REYNOLDS] is detained on account of a death in his family.

The Senator from Washington [Mr. BONE], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Nevada [Mr. PITTMAN], the Senator from Virginia [Mr. GLASS],

the Senator from Mississippi [Mr. HARRISON], and the Senator from Montana [Mr. WHEELER] are detained in important committee meetings.

The Senator from Oklahoma [Mr. GORE], the Senator from Illinois [Mr. LEWIS], the Senator from Tennessee [Mr. McKELLAR], the Senator from New Jersey [Mr. MOORE], the Senators from Maryland [Mr. TYDINGS and Mr. RADCLIFFE], the Senator from Utah [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BILBO. I have a general pair with the Senator from Iowa [Mr. DICKINSON]. I transfer that pair to the Senator from Utah [Mr. THOMAS] and vote yea. I am not advised how the Senator from Iowa or the Senator from Utah would vote if present.

The result was announced—yeas 15, nays 55, as follows:

YEAS—15			
Bachman	Caraway	Guffey	McGill
Barkley	Clark	Holt	Neely
Bilbo	Davis	Logan	Truman
Black	Frazier	McAdoo	
NAYS—55			
Adams	Carey	Hatch	Pope
Ashurst	Chavez	Hayden	Robinson
Austin	Connally	Johnson	Russell
Bailey	Copeland	Keyes	Schwellenbach
Barbour	Couzens	King	Sheppard
Benson	Dieterich	La Follette	Shipstead
Borah	Donahay	Loneragan	Smith
Brown	Duffy	Long	Steiwer
Bulkley	Fletcher	McNary	Thomas, Okla.
Bulow	George	Maloney	Vandenberg
Burke	Gerry	Metcalf	Van Nuys
Byrd	Gibson	Minton	Walsh
Byrnes	Hale	O'Mahoney	White
Capper	Hastings	Overton	
NOT VOTING—25			
Bankhead	Harrison	Norbeck	Townsend
Bone	Lewis	Norris	Tydings
Coolidge	McCarran	Nye	Wagner
Costigan	McKellar	Pittman	Wheeler
Dickinson	Moore	Radcliffe	
Glass	Murphy	Reynolds	
Gore	Murray	Thomas, Utah	

So Mr. BILBO's amendment to the amendment of the committee was rejected.

WILLIAM W. DANENHOWER

The PRESIDING OFFICER (Mr. POPE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 925) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower, which were, on page 1, line 4, after the word "to", to insert "Sallie M. Danenhower, executrix of the estate of"; on the same page, line 6, after the figures "\$34,260", to insert "in full settlement of all claims against the United States"; and on the same page, line 7, to strike out "his" and insert "said William W. Danenhower's."

Mr. CAPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TERESA DE PREVOST

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1360) for the relief of Teresa de Prevost, which were, on page 1, line 5, after the word "to", to insert "the estate of"; and to amend the title so as to read: "An act for the relief of the estate of Teresa de Prevost."

Mr. SHIPSTEAD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. DUFFY. Mr. President, I send to the desk an amendment to the survey section, and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 112, after line 7, it is proposed to insert "Fond du Lac River and tributaries, Wisconsin."

Mr. DUFFY. In that connection, and as a part of my remarks, I ask unanimous consent to have printed in the RECORD at this point a paragraph from the Oshkosh Northwestern, issue of May 16, 1936, showing the amount of loss due to floods which have been caused in the river.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oshkosh (Wis.) Northwestern of May 16, 1936]

That a flood-control plan is needed at the lower end of the lake as well as in the Wolf River Valley is clearly shown by figures on damages done at Fond du Lac by floods in only 4 years, it was said. Figures given stated that in 1905 floods did \$200,000 worth of damage in Fond du Lac; in 1912 the amount was \$100,000; in 1915 it was \$150,000; and in 1924 it was \$250,000 a total of \$700,000 in 4 years.

Mr. COPELAND. Mr. President, we have no objection to the amendment proposed by the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. COPELAND. Mr. President, I am chairman of the committee in charge of the bill, and I also desire to continue as a Senator from my State; so I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 108, after line 25, it is proposed to insert:

Black and Moose Rivers, N. Y.

Mr. COPELAND. Mr. President, we have no objection to that amendment. [Laughter.]

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. AUSTIN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 59, line 16, after the word "session" and before the semicolon, it is proposed to insert "as the same may be revised upon further investigation of the 1936 flood."

Mr. AUSTIN. The Senator from New York was good enough to submit the proposed amendment to the Army Engineers, and there is no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. AUSTIN. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an extract from the testimony of Walter S. Fenton, representing the State of Vermont, before the House Judiciary Committee, appearing on page 6724 of the CONGRESSIONAL RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The studies that have been made so far on this subject, as I view it, are wholly inadequate upon which to base any efficient, effective plan of flood control. I have heard it stated this morning by some distinguished Members of Congress that we should at once build these 10 storage reservoirs that have been recommended in the Army report so that we can prevent a repetition of the same flood condition next year. While I do not know just how much investigation the gentlemen have made into the construction work of the magnitude, I would hardly expect, even if the lands were to be controlled and owned in such a way that construction work could begin tomorrow, that they could be in a condition to retain any flood waters by next spring floods.

The difficulty with that proposition, as I understand it, is that the program which proposes the construction of the 10 reservoirs in question is based primarily upon studies of the 1927 flood to which I referred. The flood of 1936 which caused this great damage in Massachusetts and Connecticut was a flood of an entirely different character. To illustrate what I mean by that, this program for the construction of these reservoirs contemplates the construction of three reservoirs on the White River in Vermont. The flow of water in the White River in 1936 was only approximately one-third of the flow of water in 1927. The result was that the stream flow in the Connecticut River at White River Junction, below the discharge of the White River, was 11 second-feet per square mile less, and the drainage area above that point is approximately 4,000 square miles, which makes a stream of 44,000 second-feet lower in the Connecticut River below White River Junction in 1936 than it was in 1927.

What that means is that the water which caused the damage in the States lower down the river did not come in such substantial quantities from Vermont. On the other hand, the discharge in the New Hampshire rivers, below the so-called Ammonoosuc River was very much greater than it was in 1927. I have just been interested in looking at a graph which presents by means of engineering methods the density of the rainfall. I think they term it an isohyetal diagram, which shows that the entire rainfall in Vermont for the month of March was approximately equal to that of 1 day at Pinghams Notch in the White Mountains over in New Hampshire, where they had something like 23 inches of rainfall in the month of March, and something over 10 inches of rainfall in 2 days.

As I say, there was a greater discharge into the Connecticut River, and particularly into the Merrimack, from that source.

Why? Because that is where they have the greatest rainfall, which, coupled with the melting snow, produced this extraordinary volume of water. Having in mind the stream flow in the Connecticut River at White River Junction was 44,000 second-feet less in March of this year, at the time of the peak of the flood at Vernon Dam, which is a little north of the Massachusetts-Vermont State line, the crest of the flood was 5 feet higher than it was in 1927.

Above Vernon Dam comes in the West River, coming in from Vermont, which is quite a substantial stream. Yet the stream flow in that river was 28 second-feet per square mile less in 1936 than it was in 1927.

Above that we have the Saxtons River just below Bellows Falls, which is not a very large stream. I cannot give you the figures on it, nor on the Williams River just above it.

Above that we have the Black River. The point I want to make with you is this: That you cannot plan upon a program resulting from a study of the Engineers of the 1927 flood to take care of the type of flood that we had in 1936. And it is a matter of a good deal of doubt in my mind from various information that has been given to me whether the construction of these reservoirs would have had any material effect upon the disastrous results down in Massachusetts and Connecticut. I think the sponsor of this bill made substantially the same statement this morning. In that I agree with him fully.

Mr. AUSTIN. I also ask unanimous consent to have inserted in the RECORD at this point the telegram which I send to the desk.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., May 21, 1936.

HON. WARREN AUSTIN,
United States Senate:

All members of Governors' flood-control committee strongly in favor of amendment to bill to permit reexamination of Connecticut River project in the light of this year's flood. All but one oppose bill if amendment is not included. Hope you will make every effort to amend.

R. E. FLANDERS.

Mr. GUFFEY. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 55, line 10, after the word "project", it is proposed to insert:

Exclusive of construction costs of railroad and highway relocations, and.

Mr. COPELAND. Mr. President, will the Senator yield to me for a moment?

Mr. GUFFEY. I yield.

Mr. COPELAND. Would the Senator be willing to have his amendment read "exclusive of construction costs of railroads and relocations of improved highways?"

Mr. GUFFEY. I will accept the modification of the amendment.

Mr. KING. Mr. President, I should like to have an explanation of the amendment. If I understand the amendment, it imposes upon the Federal Government the obligation to take care of the railroads and highways in the event of floods or damages to them, and the States and the railroads are exempt from making any contribution.

Mr. GUFFEY. I am asking only what has been the custom and the practice heretofore. In the Overton bill which was enacted last week such a provision was included. The Senator was present, and voted for that bill; did he not?

Mr. KING. I was here, and I voted against it.

Mr. GUFFEY. The bill was passed.

Mr. KING. Yes; the bill was passed.

Mr. GUFFEY. The Overton bill contained an item covering \$31,500,000 for building new railroads wherever necessary.

Mr. ROBINSON. Mr. President, as I understand the amendment, it does not propose to pay damages for injuries to property in case of flood.

Mr. GUFFEY. That is correct.

Mr. ROBINSON. What is proposed is that if it shall become necessary, in constructing works under this bill, to relocate improved highways or relocate railroads, the expense of the relocation incident to the construction of the flood-control work shall be borne by the Federal Government rather than by the localities.

Mr. GUFFEY. That is correct.

Mr. COPELAND. Mr. President, I ask that the clerk read the amendment as modified.

The CHIEF CLERK. As modified, the amendment to the committee amendment reads as follows:

Exclusive of construction costs of railroads and relocations of improved highways.

Mr. BARKLEY. Mr. President, I wish to make it clear that the provision merely relieves the local community of the obligation of contributing to the relocating of highways or railroads, but does not relieve either railroads or the communities from any obligations imposed upon them under the bill as a whole.

Mr. COPELAND. That is correct.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McNARY. I wish to ask the Senator from Pennsylvania, who proposed the amendment, if the word "highways" might be considered to include bridges.

Mr. GUFFEY. That is a matter for interpretation by the Army Engineers. So far as I am concerned, I should include bridges. I have no objection to including bridges.

Mr. McNARY. I think the language should not be uncertain. If a railway is to be relocated at Federal expense, why should not the same treatment be afforded to a bridge which spans a river?

Mr. GUFFEY. I agree with the Senator from Oregon that it should.

Mr. McNARY. A highway bridge is a link in the highway; but, to make sure, I suggest that the Senator include in his amendment, after the word "highways", the words "and bridges."

The PRESIDING OFFICER. Does the Senator from Pennsylvania desire to modify his amendment?

Mr. GUFFEY. I agreed to the modification of the amendment as proposed by the chairman of the committee.

Mr. BARKLEY. The amendment would not be construed to include a privately owned toll bridge operated by a private concern, would it?

Mr. COPELAND. Mr. President, we have no advice as to how far the amendment would go and what it would mean if we were to include "and bridges."

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. COPELAND. I yield.

Mr. CONNALLY. The Congress is providing the legislation. We should not be obliged to ask anyone else what it means. Congress is doing this. What Congress is doing ought to be made so clear that the Engineers may know what we are talking about.

Mr. COPELAND. I wish to say a word, if I may. Has the Senator from Oregon finished?

Mr. McNARY. I shall be very glad to yield.

Mr. COPELAND. I desire the Senate to be advised as to the significance of this amendment. The Senator from Mississippi [Mr. BILBO] at great length and eloquently and ably argued in opposition to the provision requiring costs to be assessed against localities. The whole amount involved as to localities is a little over \$100,000,000. The Senator from Mississippi was trying to relieve localities of \$100,000,000. I do not wish to have the Senate misled as to the significance of the amendment offered by the Senator from Pennsylvania. I cannot say that at the moment I am in violent opposition to it, but the Senate must be advised what it means. The provision will occasion a cost of \$50,000,000. The relocation

of the railroads and the highways will place an additional burden upon the Federal Government of the entire amount that we are appropriating this year—\$50,000,000. It will be \$14,000,000 for highway relocation and \$36,000,000 for railroad relocation.

Mr. WHEELER. Mr. President, does the Senator mean that the Government of the United States is going to spend \$36,000,000 for the purpose of relocating some railroads?

Mr. JOHNSON. Mr. President, will the Senator speak louder?

Mr. WHEELER. I was asking the Senator if the amount which we are going to spend, \$36,000,000 of the Government's money, is for the purpose of relocating some railroads.

Mr. JOHNSON. Let me suggest, if we are going to pay Government money for relocating railroads, why not pay the Government money to relocate all the homes that may be washed away, injured, or damaged, and the like?

Mr. WHEELER. Of course, we should; and there is much more reason why we should pay Government money to relocate some poor devil who has a little home washed away than to relocate a railroad. To me it is inconceivable that the Government of the United States should pay out money for the purpose of relocating a railroad to save it from flood or any other purpose.

Mr. JOHNSON. That is why I asked the question.

Mr. WALSH. Mr. President, permit me to explain the purpose of the amendment.

When a basin or structure is built to prevent floods, and that work involves relocating a railroad which runs through the basin, the Government should pay for relocating the railroad. A basin through which a railroad runs cannot be constructed without paying damages. The railroad is not being relocated for the pleasure of moving it somewhere else. When the Government takes my home for any purpose, such as to build a basin for flood control or a reservoir, the Government must pay for that.

I am sure neither the Senator from California nor the Senator from Montana had in mind that under such circumstances the cost of relocating the railroad should not be borne by the Government. The Government must pay for relocating a railroad when it is necessary to do so in order to construct a reservoir.

Mr. VANDENBERG. And in order to save the railroad.

Mr. COPELAND. I assume that the railroad, if it had just cause to complain, would have recourse to the courts. The Senator from Massachusetts is an able lawyer and knows more about that subject than I do.

Mr. WALSH. I know that we cannot take a railroad or a man's home or any other property and confiscate it without paying damages. Instead of paying damages, it is proposed to relocate the road outside of the reservoir area.

Mr. CONNALLY. Mr. President, there is a little clause in the Constitution about taking private property for public use without compensation.

Mr. VANDENBERG. Nobody has contended for that.

Mr. WALSH. I do not understand the purpose of this amendment, and I should like to ask the Senator from Pennsylvania if its purpose is to provide that payment shall be made for the relocation of a highway when the highway is in the way of the basin of a flood-control project, and to provide that payment shall be made for the relocation of a railroad when the railroad is in the way of the construction of a flood-control project.

Mr. GUFFEY. That is a correct interpretation. Of the two railroads involved in Pennsylvania, one was built in 1855 and the other was built in 1874. Those railroads, having maintained their rights-of-way during all that time in their present location, if the Government builds a dam which will necessitate a change in the location of the railroad, I can see no reason why the Federal Government, and not the community, should not bear the cost.

Mr. WALSH. Under the amendment, the Government would have to pay for destroying the railroad or for any property taken.

Mr. BARKLEY. Mr. President, the amendment does not involve the question of paying for property. It simply re-

lieves the local community of the provision of the bill which makes it necessary for the local community to bear the expense of the removal or relocation of highways or railroads. It does not, in any way, invalidate the provisions of the Constitution or any law making it obligatory to pay for property taken.

Mr. WALSH. I understand that to be the position, but objection has been made that neither the Federal Government nor any other government should pay such costs.

Mr. BARKLEY. This amendment as between the Federal Government and the local government would make it necessary for the Federal Government instead of the local government to do it.

Mr. WALSH. In other words, unless this amendment shall be adopted it might be necessary for the local governments to pay. Somebody has got to pay.

Mr. BARKLEY. That is correct.

Mr. WALSH. And the Senator from Pennsylvania is seeking to have the Federal Government pay the costs.

Mr. BARKLEY. That is correct.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. MALONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Connecticut?

Mr. COPELAND. I yield.

Mr. MALONEY. I should like to ask the Senator from Pennsylvania if the two railroads in his State to which he just made reference are located in the recent flood area?

Mr. GUFFEY. They are.

Mr. MALONEY. Then I assume that they paid for the flood damage, which involved a replacement of their roadbeds and tracks.

Mr. GUFFEY. One road was not damaged at all, and the other road was damaged very slightly.

Mr. MALONEY. But the railroad itself paid the cost?

Mr. GUFFEY. Yes; for what little damage there was; but the damage was very slight.

Mr. MALONEY. I cannot see why the Government should be any more responsible for replacements or relocations in connection with projects under the pending bill than in the case of damages to the railroads caused by the recent floods.

Mr. WHEELER. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield the floor for the moment.

Mr. WHEELER. Mr. President, let me call attention to the language of the bill, and that will probably straighten the matter out. Section 3, on page 55, reads, in part, as follows:

SEC. 3. That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project.

And then this amendment is proposed to be inserted:

Exclusive of construction costs of railroads and relocations of improved highways.

Why should we make exception in the case of the railroads? If we are going to make the local and State governments bear the burden of paying for land, easements, and rights-of-way, why should we make the Government pay for the relocation of the railroads? After all, the railroad itself is going to receive a great benefit, in most instances, by reason of the fact that the Government is spending this money, as its expenditure will protect the roadbed and tracks from being flooded.

In addition to that, by reason of the fact that the Government is spending this money, the railroads are going to get a great benefit because they are going to receive greater tonnage, due to the shipment of commodities paid for by the Government. If the local governments and State governments are going to be required to pay for the easements and

other things, I do not know of any reason why the railroads should not contribute their share to the local and State governments.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. GUFFEY. I should like to state that the Government has expended \$652,000,000 for building locks and dams and the canalization of our rivers; in every instance where a railroad was involved the Government paid for moving and rebuilding the line, and there has not been \$5,000,000 contributed from any other source than the Government.

In the pending bill as now drawn \$55,000,000 are appropriated ostensibly for the flood areas on the upper Ohio River. For the 9 or 10 dams in western Pennsylvania, of the amount under the bill as drawn, the people of the State will be compelled to pay \$34,000,000. The people of Pennsylvania have no objection to making a fair contribution, but they do object to paying more than 60 percent. This amendment is only offered to reduce the contribution as provided in the bill.

The bill implies also that the other States that benefit by the dams shall contribute. Eleven States will benefit by the construction of these dams. They will lower the water at Pittsburgh at flood level 7 feet, at Wheeling, W. Va., 5 feet, at Cincinnati 4 feet, and so on down the river. Does the Senator think that Kentucky or West Virginia or Ohio will contribute anything to the local cost in Pennsylvania? Unless we can work out a proper and equitable plan not a single reservoir or flood-control dam will be built. The people of Pennsylvania are willing to pay from 25 to 30 percent, but we think it is unjust to contribute 60 percent. There is going to be expended \$31,000,000 for building a railroad along the floodway down the Mississippi Valley.

Mr. WHEELER. It seems to me that that does not answer the question at all, because, after all, the railroads are going to receive the benefit of the money that is to be expended by the Government of the United States, which will result in safeguarding the property of the railroads. If it be true that they are going to receive a benefit as the result of the building of the dams which will prevent the railroad properties from being flooded, why should not the railroads themselves, in conjunction with the local governments, contribute to their building?

Mr. GUFFEY. Take the dam to be constructed on the Conemaugh River, for which \$9,000,000 is to be expended, five and a half million dollars of which will be necessary to change the grade and to relocate the railroad. The change will give the Pennsylvania Railroad a much worse grade and a stiffer grade than it now has and will increase the cost of the road.

Mr. BARKLEY. Mr. President, the proposal does not involve merely relocating a railroad for the protection of the railroad; it involves the possibility of having to relocate railroads for the protection of the community.

Mr. GUFFEY. That is correct.

Mr. WHEELER. I understand that it not only involves the local community, but it involves the railroads.

Mr. BARKLEY. It might, incidentally; but the main thing is to protect the community.

Mr. WHEELER. It not only protects the community, but anyone who has gone through the flood areas knows likewise that the building of dams is going to protect the railroads to a great extent, because the railroads suffer from the floods; they have to rebuild their roadbeds, and so forth, all along the line. That is true of the B. & O. and the Pennsylvania. If we are going to build dams for the purpose of protecting the railroads from being flooded, then the railroads ought to be willing to contribute for the relocation of their rights-of-way to that extent, it seems to me.

Now, it is proposed to make an exception in the case of the railroads; if the Government is going to pay all costs, let the Government do it; but if not, do not let the railroads be exempted.

Mr. GUFFEY. What advantage will it be to a railroad whose tracks extend the full length of the reservoir back of the dam which is proposed in northern Pennsylvania and

which will cross into the State of New York, spreading over a distance of 50 miles, when the entire railroad will be covered with water to a depth of 200 feet? In what way is it to their advantage to have their present location covered by 200 feet of water for a distance of 50 miles? Where do they get any benefit?

Mr. WHEELER. I do not know about that particular instance, but I do know that there are many instances where the Pennsylvania Railroad is going to be benefited if the Government builds dams which will keep their roadbed from being flooded and washed away. Is there any question about that at all? The Pennsylvania Railroad suffered during the last flood tremendously, and so did the B. & O. all through Pennsylvania and Maryland and other States. If it should be necessary for the purposes contemplated to relocate their tracks, they ought to contribute to the cost and not let the Government of the United States do it all.

Mr. MINTON. Mr. President, if the bill shall remain as it is or is amended as proposed, and the railroads are going to be paid if their property shall be taken, it seems to me the effect of this amendment would be simply to shift the cost to the Federal Government from the State governments. I think that would be the only effect of the amendment.

Mr. WHEELER. No; that is not entirely correct. This is not simply shifting the payment from the local government to the Federal Government. The provision of the bill is:

That hereafter no money appropriated under authority of this act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project.

If the local government or the State government is in favor of building a particular project, and the railroads are sufficiently interested in building up the community to save it from flood, they are going to contribute their portion to the local government or to the State government. If we incorporate any provision to the effect that the United States Government will pay for it, we know from experience that in every instance where a dam is built the railroads are going to insist that the Government pay for the relocation of their tracks.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WHEELER. I yield.

Mr. BARKLEY. I do not know, of course, what the situation is with respect to the Pennsylvania Railroad or any other railroad in any particular community, but, under the language as written in the bill originally, if any cost is involved in obtaining the right-of-way, although it be the right-of-way of a railroad or property owned by a railroad, at each point where the Government might desire to erect a flood-control project the local community would have to bear the entire cost of obtaining the land or the right-of-way if it happened to be land upon which there was a railroad track.

The amendment offered by the Senator from Pennsylvania does not change the situation with respect to compensating the railroad for any benefit it may receive, but simply provides that in a case of that sort, where it is necessary to buy a railroad track in order to build a project to control floods, the Federal Government rather than the local community shall bear the cost. It simply shifts the burden from the town or locality to the Federal Government.

Mr. BONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. WHEELER. I yield.

Mr. BONE. Is it not obvious to all of us that if, in the construction of a flood-control project, it should become necessary to acquire a railroad right-of-way occupied by railroad tracks or other railroad properties, even the local government would have to pay for the land?

Mr. WHEELER. They would either have to pay for it or come to an agreement with the railroad. They would have to get it by condemnation proceedings or otherwise.

Mr. BONE. It is true that under every State constitution private property cannot be acquired without just compensation. The State would have to pay for it. The effect of the amendment is to shift the cost from the local government to the Federal Government in cases where it requires railroad property or takes over an improved highway.

Mr. COPELAND. Mr. President, I think it would be helpful at this point to have the clerk read a letter from the War Department relating to this particular amendment. I send the letter to the desk and ask that it may be read.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 18, 1936.

HON. ROYAL S. COPELAND,
Chairman, Committee on Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR COPELAND: I am in receipt of your request for information with respect to the effect of the amendment to the flood-control bill, H. R. 8455, proposed by Senator GUFFEY, which would insert on page 55, in line 10, following the word "project", the following:

"Exclusive of construction costs of railroad and highway relocations, and."

The authorization of \$310,000,000 as contained in the general flood-control legislation reported to the United States Senate by the Committee on Commerce, would require an estimated expenditure of \$80,000,000 by local interests for furnishing the necessary lands, rights-of-way, and easements to include railroad and highway relocations. Approximately \$36,000,000 of this amount would be required for railway relocations and \$14,000,000 for highway relocations. The information immediately available does not permit a separation between construction costs and new right-of-way for the relocations involved. However, of the total \$50,000,000 required for railway and highway relocations, approximately \$40,000,000 would be for construction costs.

In general, in the flood-control projects that have been undertaken by the Federal Government on a cooperative basis, all costs in connection with highway relocations have been borne by the benefited interests. In railway relocations construction costs have been borne by the Federal Government in the case of the Muskingum project, and are to be borne by the Government in the proposed floodways under the Mississippi River legislation. However, in the latter case while easements in the floodway will be acquired by the Federal Government, only one common structure will be provided to carry the railroads in the areas concerned during periods when the floodway is flooded.

The adoption of the amendment would, of course, still preserve the principle of local contribution, although it would result in a substantial reduction in the amount of such contribution. I do not think it appropriate for me to comment on the advisability of adopting the amendment, other than to point out its effect on increasing the Federal cost involved in the authorization, since the provisions with respect to local cooperation would appear to be a matter of policy outside of the jurisdiction of this office.

Sincerely yours,

G. B. PILLSBURY,
Brigadier General, Acting Chief of Engineers.

Mr. COPELAND. With the addition of the St. Francis and the Yazoo projects, the amount involved would be \$100,000,000 instead of the \$80,000,000 stated in the letter.

The letter mentions two projects in connection with which the Federal Government bore the cost of railroad relocation. The first one was the Muskingum, in Ohio; but that was a P. W. A. project. All of the money was paid out of the P. W. A. fund. The second project mentioned is in the Overton bill, and provides for one structure, as the letter states, over a 10-mile-wide floodway. With those two exceptions, the Federal Government has never taken such action.

Mr. WHEELER. Mr. President, let me again call attention to the fact that, while in a sense it is only shifting the burden from the local government to the Federal Government, yet, as a practical matter, we all know it means quite a different proposition. We all know that if a State or municipal government is interested in building a project for flood control, they can go to the railroads and make a deal with the railroads for doing the work at a great saving to the people of the local community. But if we leave it open, the railroads are going to see that the local government is

only going to contribute the easements and the Federal Government is going to pay for the relocation of the railroads, and all who have any practical knowledge of the situation know that the Federal Government is going to have to pay through the nose in order to get those easements, because they will not have any other way out.

Mr. VANDENBERG. Mr. President, will the Senator from Montana yield at that point?

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Montana yield to the Senator from Michigan?

Mr. WHEELER. I yield.

Mr. VANDENBERG. What the Senator is now saying is literally justified by a letter from the War Department with respect to the Overton bill. At the time we were considering that in the Commerce Committee this precise relative question arose. It resulted in a letter from the Secretary of War who said that if the Federal Government was thrown into a complete general responsibility of the nature the Senator now describes, it would represent, and I quote his language "an immeasurable responsibility." The War Department furnished us with exhibit after exhibit to show what happens to the Federal Government when it falls into the auspices the Senator is now describing.

Mr. WHEELER. Mr. President, when the Government has undertaken the building of projects in my home State, which we will take for illustration, the local government could have bought certain lands for a very low price; but the minute the Federal Government stepped in and was authorized to buy those lands, everybody in the community started to hold up the Federal Government. The owners raised three or four times the price they had formerly asked for their lands. The cases were taken into court, and of course the juries just "soaked" the Federal Government, because Uncle Sam was paying the bill. Now we are leaving the way open for the railroads and the State governments to give Uncle Sam a good trimming on every single project where it is necessary to touch the railroads in order to move their tracks; and it should not be done.

I have not any interest in the subject except to try to save the Federal Government a few dollars in a matter of this kind, where we are contributing to the welfare of the local people of the community.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. SHIPSTEAD. I should like to ask the Senator from Pennsylvania [Mr. GUFFEY] a question. In the case of the Muskingum River, where the Federal Government paid for the relocation of railroads, were any of the roadbeds located in the stream below high-water mark?

Mr. GUFFEY. The Senator will have to ask somebody from Ohio. They must have been below low-water mark in order to be moved. I am not familiar with conditions there.

Mr. SHIPSTEAD. They must have been below high-water mark? That raises a very interesting question, because I should like to ask the Senator from Montana [Mr. WHEELER] or some other constitutional lawyer whether or not the power which the Federal Government enjoys over navigable waters for the purpose of controlling navigation extends to the problem of flood control. I believe it does.

We have had some very interesting information here. The Federal Government can pay for property taken for public use for navigation only where a railroad or any other user has a clear title to the property taken. I see by the letter of the War Department, and I hear that there are easements here, there are railroads to be moved, and we are told that some of the railroads which are to be moved and paid for by the Federal Government are occupying the river bed below high-water mark. I never could understand where the Federal Government gets authority to pay for the removal of a railroad occupying a river bed below high-water mark.

The custody and control of the navigable waters was donated to the Federal Government at the time of the forma-

tion of the Federal Union, to be held in trust for the purposes of navigation. It is true that in every part of the country wherever it has been found convenient, railroads have been built in the river beds, and their structures are in the river beds; but that could be done only under permits that are revocable, and the courts have held that wherever a waterway is needed for the purpose of navigation or for the development of navigation, these structures must be removed at the expense of the railroads which built them.

The Federal Government itself, the Congress itself, cannot alienate the river beds that are owned by the several States, but are under the custody and control of the Federal Government. A permit to a railroad company to build its track in a river bed, and to use the bed of the river and the sand of the river to make its grade cannot endow the railroad company with a vested right. It is there under a license, under sufferance, and it must move whenever the Federal Government finds it necessary to use the river bed for purposes of navigation.

I am aware that the War Department has not taken that point of view. We are now condemning, on the Mississippi River, railroad tracks in the bed of the Mississippi, the removal of which is made necessary for the purpose of building dams to further navigation. Instead of revoking the permits, the War Department put these structures into the petition for condemnation, admitting liability, asking the Federal Government to condemn these structures and pay the damages necessary to get back the right to use property that the Federal Government itself could not alienate.

If this amendment is adopted as it is now worded, we are going to pay for the removal of railroad tracks from river beds where the railroads have no vested rights. For instance, in the Federal court, when the question of the right to grant these permits was raised and protested as a matter of law, the Federal judge held to the effect that he did not care what the law was; he was guided solely by the request of the Secretary of War to condemn. The War Department took the point of view that the Federal Government must pay for the removal of a structure which the War Department itself gave a permit to install, though the permit on its face states that whenever it is found necessary to move the structure because of the necessity to develop navigation, it must be done at the expense of the railroad.

In the first place, the railroad never paid anything for the permit. The permit enabling the railroad to build this structure on its face contained notice that the railroad acquired no vested right, and was there at the sufferance of the Government.

If a railroad is to be moved from a location where it has clear title to the property, and damage is suffered, of course it ought to be paid, and personally I do not care from what source it is paid; but this amendment proposes to pay for property which has been occupied by private corporations and private individuals, property which the Congress itself cannot deed to any corporation or individual. I think the possibilities of the amendment are so overwhelming that we may not be able, for years to come, to figure out the possibilities of expense which are involved.

Unless it is made clear that the Federal Government shall pay only to obtain private property, and not property the Government already owns, the amendment ought to be defeated.

Mr. GUFFEY. Mr. President, the distinguished Senator from Montana [Mr. WHEELER] evidently is not entirely familiar with the intent and purpose of the amendment as drafted. Under this bill, the local governments must purchase and furnish all the easements and rights-of-way. All I am trying to do by this amendment is to relieve the local governments of the necessity of removing the railroads and the modern highways which have been there for many years. With us in western Pennsylvania that involves the sum of \$55,000,000, of which \$34,000,000 is to be borne by the local communities; \$14,000,000 of it will be required to remove and replace the railroads and the highways, and the other \$7,000,000 will have to be contributed to buy the easements and rights-of-way.

In the disbursement of the \$652,000,000 which has been expended on rivers and harbors, every foot of railroad that it has been necessary to remove has been paid for by the Federal Government; every highway necessary to be removed was paid for by the Federal Government; and in the Mississippi Valley bill recently passed here, known as the Overton bill, \$31,000,000 was provided to build a new railroad.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. BYRD. How much additional cost would the Senator's amendment impose on the Federal Government?

Mr. GUFFEY. I think about thirty or thirty-five million dollars, as nearly as I can figure it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Pennsylvania to the committee amendment.

Mr. WHEELER. Mr. President, I desire to say just a word in connection with the amendment.

The Senator from Pennsylvania says that I am not familiar with the bill. I do not think one needs to be familiar with the other provisions of the bill; all one has to do is to read section 3, and he will have the intent of the bill.

As a practical proposition, as I pointed out, if the Senate desires to say to the railroads, in any case where we move a railroad, "You can come in, and the Government is going to pay you"—

Mr. DAVIS. The Government, or the taxpayers in the community where the railroad is located.

Mr. WHEELER. Wait until I finish the sentence. As the bill is drawn at the present time, it provides that the local communities or the State governments shall pay or arrange for the rebuilding or the replacing of the railroads. As I said a moment ago, anyone who has had any practical experience knows that when it is necessary to arrange some matter with a railroad, the States or local communities can make a much better arrangement with the railroad and get much better cooperation from it than can the Federal Government, because the railroads are dependent upon the local communities for their business, their traffic, and their good will.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MURPHY. The Senator stated that the Federal Government would pay. Does the Senator state that the Federal Government will pay, under this amendment, notwithstanding the fact that the railroads may have rights-of-way located below the high-water line in river beds where they have no vested rights?

Mr. WHEELER. Of course, they would have to under this amendment, because, as the Senator from Minnesota pointed out, that is exactly what was done along the Mississippi, where they had no vested rights; yet the War Department paid. All they had to do was to revoke their permits, according to the Senator from Minnesota. I am not familiar with that situation.

Mr. MURPHY. The Senator from Minnesota stated facts within my knowledge. I know that he stated the facts correctly, but I was wondering whether the language of the amendment as drawn would nullify the practice now being followed in the Mississippi Valley of making demand upon the War Department for revocation of the permits for rights-of-way occupied by the railroads, where those rights-of-way are below the high-water mark.

Mr. WHEELER. I do not think there is anything in the amendment which would change that one way or the other.

Mr. SHIPSTEAD. Mr. President, under the amendment there will be done what the War Department started to do before the Department of Justice interfered. The amendment would make it impossible for the Department of Justice to interfere, because it would by law compel the Government to do what the War Department did without warrant of law, and to which the Department of Justice has very strenuously objected.

Mr. WHEELER. Mr. President, I would not wish to pass judgment on that matter without giving it further consideration.

As I was saying before, for every foot of land taken as a result of this measure, the Government would have to pay through the nose, because there would be condemnation proceedings. If the War Department did not agree on the price asked, they would have to resort to condemnation proceedings, and anyone who knows anything about the trial of condemnation cases knows that when the Government is involved in a condemnation proceeding, the local communities and the people upon the local juries all over the country soak the Government of the United States, and that is what it would mean in this instance. These are just the plain, unadulterated facts with reference to the situation, and I have stated what would happen if this amendment were agreed to. If the Congress wants to do it, it is all right with me.

Mr. WALSH. Mr. President, if I understand the position of the Senator, he says that because railroads have land along the courses of rivers, and are in flood areas themselves, removing them from those areas through the building of reservoirs would be of benefit to them, and they themselves ought to pay.

Mr. WHEELER. Yes.

Mr. WALSH. He is not asking that the local communities as is now contemplated by the bill, or the Federal Government, shall pay, but he thinks the railroads themselves ought to pay.

Mr. WHEELER. Exactly; I think they ought to contribute to the extent of their benefit.

Mr. WALSH. On the theory that they are benefited by having their property safeguarded from floods.

Mr. WHEELER. Exactly.

Mr. WALSH. Of course, there is no such proposition to be voted on. The proposition before us is whether the Federal Government or the local government will pay; but the Senator might well offer an amendment along the line he has suggested.

Mr. WHEELER. As the bill is drafted, there is a provision that the States or political subdivisions shall "provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project." The local government will have to do it, but I say that the local government will go to the railroad and say, "We want this project completed, we cannot afford to buy your railroad, and we want you to contribute to it"; and they will contribute to it. They will not dare do anything else, because they will not dare hold up the project. But if this exception is inserted, then the local government will say, "We are not going to furnish you with the easements required under the law." Under those circumstances the Government of the United States will be forced to condemn or to buy the railroad property, and the railroad is not going to contribute when it knows that the Government of the United States is to pay for it.

Mr. WALSH. The fact the Senator is now stressing, which I confess I did not grasp earlier, is that flood-control projects are for the benefit of the railroads.

Mr. WHEELER. Exactly.

Mr. WALSH. That they will prevent them suffering damages because of floods, and that therefore the railroads themselves ought to bear the expense, rather than the local communities or the Federal Government.

Mr. WHEELER. We get a pretty good idea of the situation if we consider the railroads between here and Pittsburgh, and we will see where they are working and building up their roadbeds which suffered as a result of the floods on the nearby rivers. The railroads are going to be benefited by this flood-control legislation as much as practically anybody else in the country will be benefited.

Mr. WALSH. The Senator can conceive, as I can, the possibility of it being necessary to relocate a railroad, a change which would be of benefit to the railroad.

Mr. WHEELER. That is true, and in such case the local government could make a better deal with the railroad

than could the Federal Government, because the Federal Government, regardless of whether the railroad is benefited or not, is bound to pay for the relocation.

Mr. WALSH. In other words, the additional value by reason of the relocation of the railroad is an offset against the damages?

Mr. WHEELER. Exactly. Assuming, for the sake of the argument, a railroad that is to be greatly benefited by reason of a flood-control dam, they may have to relocate the railroad anyway, but the Government comes along and builds a dam, and then they say to the Government of the United States, "You have to pay us for relocating our railroad which is being washed out by floods."

Mr. MINTON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MINTON. It would not be possible to set off in a condemnation suit any betterment or advantage which a railroad might receive?

Mr. WHEELER. No.

Mr. MINTON. They are entitled to market value, or reproduction cost?

Mr. WHEELER. Exactly.

Mr. MINTON. The betterment, if any, could not be set off?

Mr. WHEELER. It could not be.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. GUFFEY], as modified, to the amendment of the committee.

Mr. SHIPSTEAD. Mr. President, how was the amendment modified?

The PRESIDING OFFICER. The clerk will read the amendment to the amendment as modified.

The CHIEF CLERK. In the committee amendment, on page 55, line 10, after the word "project", it is proposed to insert "exclusive of construction costs of railroads and relocations of improved highways."

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Pennsylvania to the committee amendment.

Mr. SHIPSTEAD. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. VANDENBERG. I announce that the senior Senator from Oregon [Mr. McNARY] is necessarily absent from the Senate. He has a pair with the senior Senator from Mississippi [Mr. HARRISON]. If present, the Senator from Oregon would vote "nay" on this question.

Mr. BILBO. I have a general pair with the Senator from Iowa [Mr. DICKINSON]. I transfer that pair to the Senator from Utah [Mr. THOMAS], and will vote. I vote "yea."

I am not advised how either the Senator from Iowa or the Senator from Utah would vote on this question if present.

Mr. AUSTIN. I announce the general pairs of the Senator from Delaware [Mr. TOWNSEND] with the Senator from Tennessee [Mr. McKELLAR], and the Senator from North Dakota [Mr. NYE] with the Senator from Maryland [Mr. RADCLIFFE].

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Nevada [Mr. McCARRAN] are detained from the Senate on account of illness.

The Senator from North Carolina [Mr. REYNOLDS] is detained on account of a death in his family.

The Senator from Arizona [Mr. ASHURST], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from South Carolina [Mr. BYRNES], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. GORE], the Senator from Mississippi [Mr. HARRISON], the Senator from Utah

[Mr. KING], the Senator from Illinois [Mr. LEWIS], the Senator from California [Mr. McADOO], the Senator from Tennessee [Mr. McKELLAR], the Senator from New Jersey [Mr. MOORE], the Senators from Maryland [Mr. TYDINGS and Mr. RADCLIFFE], the Senator from Georgia [Mr. RUSSELL], the Senator from Utah [Mr. THOMAS], the Senator from Indiana [Mr. VAN NUYS], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The result was announced—yeas 11, nays 52, as follows:

YEAS—11

Bachman	Black	Davis	Neely
Barkley	Bone	Guffey	Schwellenbach
Bilbo	Chavez	Logan	

NAYS—52

Adams	Connally	Holt	Overton
Austin	Copeland	Johnson	Pittman
Bailey	Couzens	Keyes	Pope
Barbour	Donahay	La Follette	Robinson
Benson	Duffy	Loneragan	Sheppard
Borah	Fletcher	Long	Shipstead
Brown	Frazier	McGill	Smith
Bulkley	Gerry	Maloney	Steiwer
Byrd	Gibson	Metcalf	Thomas, Okla.
Capper	Hale	Minton	Truman
Caraway	Hastings	Murphy	Vandenberg
Carey	Hatch	Murray	Wheeler
Clark	Hayden	O'Mahoney	White

NOT VOTING—32

Ashurst	Dieterich	McCarran	Reynolds
Bankhead	George	McKellar	Russell
Bulow	Glass	McNary	Thomas, Utah
Burke	Gore	Moore	Townsend
Byrnes	Harrison	Norbeck	Tydings
Coolidge	King	Norris	Van Nuys
Costigan	Lewis	Nye	Wagner
Dickinson	McAdoo	Radcliffe	Walsh

So Mr. GUFFEY's modified amendment to the committee amendment was rejected.

Mr. SHEPPARD. Mr. President, I send to the desk an amendment to the survey section, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 111, after line 7, it is proposed to insert "Lower Colorado River, Tex."

Mr. COPELAND. The committee has no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GIBSON. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 55, line 24, after the word "war", it is proposed to insert:

With the consent of the State wherein the same are located.

Mr. COPELAND. We have no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the committee amendment.

The amendment to the amendment was agreed to.

Mr. CAREY. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 114, line 18, it is proposed to insert the following:

Snake River and tributaries, North Platte River, Big Horn River, Green River, Belle Fourche River and tributaries, Powder River and tributaries in Wyoming.

Mr. COPELAND. The committee has no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

LXXX—487

Mr. CAPPER. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 75, after line 21, it is proposed to insert the following:

Morris County on Grand (Neosho) River in Kansas: Channel straightening and dikes from present dike at Council Grove to Lyon County line, and permanent repairs to dikes and dredging to protect city of Council Grove; surveys to be completed and data in Office of the Chief of Engineers; cost, \$150,000.

Mr. COPELAND. Mr. President, the committee could not agree to that amendment. I am sorry, but the Army Engineers have made an adverse report. It is not economically justified. I suggest to the Senator that he include the river in the survey section so we may have an early report in the hope that at the beginning of the next session something definite may be done about it.

Mr. CAPPER. Very well. I withdraw the amendment as offered and offer the modified amendment to the survey section.

Mr. COPELAND. The Senator does not propose to include the amount of money as stated in the amendment as originally offered, but just to have provision made for survey?

Mr. CAPPER. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 22, it is proposed to insert:

Morris County on Grand (Neosho) River in Kansas.

The amendment to the amendment was agreed to.

Mr. CAPPER. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 99 it is proposed to strike out lines 7 to 11, inclusive, and in lieu thereof to insert:

Lawrence, North Lawrence, and immediately contiguous area, on Kansas River, Kans.: Levees and interior drainage to protect people, city property, and highly productive rural area; plan of Douglas County Kaw Drainage District as recommended by Chief of Engineers to Works Progress Administration; cost \$334,000.

Mr. COPELAND. Mr. President, I am sorry, but this item has not received a favorable report from the Board of Army Engineers. I make the same suggestion, that the river be made the subject of a survey and included in the survey section. The committee could not accept the amendment as offered.

Mr. CAPPER. Very well; I withdraw the amendment as offered, and send a modified amendment to the desk.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In the committee amendment on page 111, after line 22, it is proposed to insert:

Lawrence, North Lawrence, and immediately contiguous areas, on Kansas River, Kans.

The amendment to the amendment was agreed to.

Mr. CAPPER. Mr. President, I send to the desk another amendment.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 99, after line 11, it is proposed to insert:

Manhattan, Kans.: Levees and channel improvement of the Kansas River to protect town; House Document No. 195, Seventy-third Congress, second session; estimated cost, \$155,300.

Mr. COPELAND. Mr. President, I am sorry, but the situation is the same as with reference to the other amendments. The Senator from Kansas offered a number of projects which were carefully considered by the committee. Among those on which we could not obtain a favorable report was this particular one. I suggest that the amendment be modified and inserted in the survey section.

Mr. CAPPER. The suggestion is agreeable to me. I offer the amendment in modified form.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 22, it is proposed to insert:

Manhattan, Kans.

The amendment to the amendment was agreed to.

Mr. CAPPER. I send to the desk another amendment which I offer.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 98, it is proposed to strike out lines 13 to 19, inclusive, and in lieu thereof insert the following:

Kansas Citys on Missouri and Kansas Rivers in Missouri and Kansas: Levees, flood walls, retention dams, reservoirs, and other works of every character, at and above the Kansas Citys, to protect people and city property; in accordance with plans approved by the Chief of Engineers, on recommendation of the Board of Engineers for Rivers and Harbors and as amended by further surveys and studies now in progress; estimated construction cost not to exceed \$10,000,000; estimated cost of lands and damages, \$8,000,000.

Mr. COPELAND. Mr. President, the project has been disapproved, and I make the same suggestion as to this item that was made with reference to the preceding amendment.

Mr. KING. Mr. President, if the project has been disapproved, why should it be inserted in the bill at all?

Mr. COPELAND. The project is rejected; but the request of the Senator from Kansas is that the river may at some future time be resurveyed.

Mr. CAPPER. I adopt the suggestion of the Senator from New York and modify the amendment. I send the modified amendment to the desk.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In the committee amendment, on page 111, after line 22, it is proposed to insert the following:

Kansas Citys, on Missouri and Kansas Rivers, in Missouri and Kansas.

The amendment to the amendment was agreed to.

Mr. CAPPER. I offer another amendment.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 98, after line 19, it is proposed to insert the following:

Fort Scott, on the Marmaton, tributary of the Osage (Marias des Cygnes) River, Kans.: Levees and track raising to protect area where greatest property value concentrated, along Black Run Creek; House Document No. 91, Seventy-third Congress, first session; cost, \$149,300.

Mr. COPELAND. Mr. President, I am sorry. I love the Senator from Kansas so much that I hate to stand here and play the part of "Old Man Gloom", but this project has been disapproved. I suggest that the river be resurveyed.

Mr. CAPPER. The project has been investigated by the office of the Chief of Engineers of the Army and has been found to be justified.

Mr. COPELAND. Mr. President, the Fort Scott on the Marmaton project was reported by the Army Engineers to lack economic justification. The annual cost is estimated at \$17,700 as compared with the annual estimated benefit of \$12,000. It is plainly not justified economically. Therefore, the committee reported against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the committee amendment.

The amendment to the amendment was rejected.

Mr. CAPPER. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 76, after line 2, it is proposed to insert the following:

Lyon and Morris Counties, south of Dunlap, on Grand (Neosho) River in Kansas; levees (unit no. 52) to protect 1,350 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$56,160.

Lyon County, south of Americus, on Grand (Neosho) River in Kansas; levees (unit no. 51) to protect 3,060 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$132,500.

Lyon County, southwest of Emporia, on Grand (Neosho) River in Kansas; levees (unit no. 42) to protect 2,520 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$114,000.

Lyon County, south of Emporia, on Grand (Neosho) River in Kansas; levees (unit no. 41) to protect 4,000 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$117,100.

Coffey and Woodson Counties, north of Neosho Falls, on Grand (Neosho) River in Kansas; levees (unit no. 29) to protect 5,220 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$227,700.

Construction of the following flood-control works along the Grand (Neosho) River in Neosho County, Kans.; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers:

Just north of Labette County line on west side of the river (unit no. 10); levees to protect 790 acres of land; cost, \$150,390.

Southeast of St. Paul on east side of the river (unit no. 11); additional levee raising made necessary by other levees proposed in Neosho County if constructed to complete the protection of 10,450 acres of land; cost, \$327,300.

Around St. Paul on east side of river (unit no. 12); levees to protect 2,790 acres of land; cost, \$346,010.

West of St. Paul on west side of river (unit no. 13); levees to protect 2,450 acres of land; cost, \$247,580.

West and south of Erie on east side of river (unit no. 14); levees to protect 4,320 acres of land; cost, \$329,660.

South of Shaw on west side of river (unit no. 15); levees to protect 750 acres of land; cost, \$122,630.

North of Shaw on east side of river (unit no. 16); levees to protect 750 acres of land; cost, \$112,570.

West of Rollin on east side of river (unit no. 17); levees to protect 1,500 acres of land; cost, \$160,630.

West of Rollin on west side of river (unit no. 18); levees to protect 830 acres of land; cost, \$61,070.

North and east of Chanute on west side of river (unit no. 19); levees to protect 1,980 acres of land; cost, \$239,870.

North of Chanute on west side of river (unit no. 20); levees to protect 1,300 acres of land; cost, \$191,450.

Neosho County, southeast of St. Paul, on Grand (Neosho) River in Kansas; levees (unit no. 11) to protect 10,450 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$389,200.

Labette County, east of Parsons, on Grand (Neosho) River in Kansas; levees (unit no. 8) to protect 2,980 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$102,600.

Cherokee and Labette Counties, north of Oswego, on Grand (Neosho) River in Kansas; levees (unit no. 7) to protect 4,280 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$150,000.

Cherokee County, southeast of Oswego, on Grand (Neosho) River in Kansas; levees (unit no. 5) to protect 3,920 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$161,100.

Ottawa and Cherokee Counties, Okla. and Kans., on Grand (Neosho) River; levees (unit no. 3) to protect 6,100 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$175,100.

Ottawa County, west of Miami, on Grand (Neosho) River in Oklahoma; levees (unit no. 1) to protect 2,520 acres of land; report to Congress in course of being published; survey completed and data in Office of Chief of Engineers; cost, \$89,860.

Mr. COPELAND. Mr. President, this blanket proposal received very serious study on the part of the committee. I am sorry to say that, without exception, there was found to be no economic justification for it. For example, take the case of Lyon County: The investment of a dollar there would bring a return of only 9 cents. So these various projects all fall below the standard of a dollar of return for every dollar invested. Much as I hesitate to say so, they are matters which were before the committee and studied by the committee and referred to the Army Engineers, and we must advise against their adoption.

Mr. CAPPER. Mr. President, the Neosho River is one of the most important streams in southeastern Kansas. It flows through a number of the leading agricultural counties of the State, and its valley contains much valuable farm land. It follows a winding course, and its banks are comparatively shallow. On that account it is subject to frequent floods and is considered one of the most destructive streams in the State. Not infrequently the stream is at flood stage two or three times each year.

To protect themselves against its floodwaters, farmers and other citizens living in the valley of the Neosho organized a number of drainage or levee districts and constructed flood-control dikes or levees. However, recurring floods have so damaged the levees as to make them all but useless; and the constant losses suffered by residents of the valley have been such as to render them financially unable to maintain the flood-protection system.

Commenting on the flood situation along the Neosho in a letter to me under date of December 9, 1935, the Acting Chief of Engineers of the Army said:

This Department has completed a survey of the Neosho River under the provisions of House Document No. 308, Sixty-ninth Congress, first session. This survey developed that since the first levees were built in Neosho County in 1892 their construction has spread throughout the valley without any coordinated plan of construction. Many levees have so encroached on the flood plain as to create a menace by constricting the floodway; and few of the levees, if any, are adequate in size. A complete levee program for the valley would, by eliminating valley storage, result in practically doubling the natural flood flow at the Kansas-Oklahoma line and would so raise the flood line as to seriously interfere with the bridges, railroad, and highway crossings. The better-situated lands can be economically protected by levee systems.

The property loss resulting from these floods has been very great. It is to protect the citizens living in the Neosho Valley that the projects covered by my amendment are requested. These projects have been examined by the Office of the Chief of Engineers and have been declared to be meritorious. I feel that they are justified from every standpoint, and I hope favorable action may be taken on the amendment authorizing them.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. GIBSON. Mr. President, I offer an amendment to the survey section.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 114 it is proposed to insert:

West River, Vt., between Weston and Brattleboro.

The PRESIDING OFFICER. The Chair will state that this is an amendment to the survey section. Is there any objection to it on the part of the committee?

Mr. COPELAND. No objection.

Mr. KING. Mr. President, I desire to ask the Senator from New York three questions.

The first is, How many surveys are authorized under the bill?

The second question is, If all these authorizations were carried out, how much money would it take?

The third question is, How many engineers will have to be employed, in addition to all the Army Engineers, in order to make these surveys?

Mr. COPELAND. No more engineers will be employed than are now employed. The amount of money we have authorized in the bill for surveys is \$5,000,000. Some of the surveys proposed today will be made at some time within the next 20 years.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the survey section of the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ROBINSON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 72, after line 17, it is proposed to insert the following:

Faulkner County on Arkansas River, levee district no. 1: To protect agricultural lands; cost, \$100,000.

Mr. COPELAND. Mr. President, this project is still a matter in debate among the Army Engineers. It stands on a different plane from any other project which has been presented. For myself, I should be willing to take this particu-

lar item to conference, because of the fact that it is still under discussion among the Army Engineers.

Mr. ROBINSON. Very well. In addition to what the Senator from New York has said, I will state that this item represents a gap in a system which I feel it is imperative to have completed if it can be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CHAVEZ. Mr. President, I offer an amendment to the survey section.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert:

Dry Cimarron River, Union County, N. Mex.

Mr. COPELAND. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MCGILL. Mr. President, I offer an amendment to the survey section.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. After line 1, page 112, it is proposed to add the following:

Big Blue River, Kans.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. COPELAND. Mr. President, we have now completed everything relating to the first part of the bill, the printed part of the bill. The amendments have all been agreed to; the surveys are all in, and I now ask that this title, as amended, be adopted. There is another amendment which is the second title.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. BYRD. Mr. President, I should like to have the Senator indicate the pages to which he refers.

Mr. COPELAND. My request has nothing to do with title II, in which the Senator from Virginia is interested. It is the printed part of the bill as the Senator has it before him.

Mr. BYRD. The entire bill?

Mr. COPELAND. The entire bill as amended. We have now gone through every section of it, everything except title II, which is not printed, but is an amendment I am about to offer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York to vote upon title I of the bill?

Mr. KING. Mr. President, I have no objection to the manner in which approval or disapproval of the bill in its present form may be brought about. I merely wish to state that I am opposed to the bill in its present form, and I am opposed to it in any form it will assume, judging from any information we have thus far derived. If there is not to be a ye-and-nay vote upon the motion just made by the Senator from New York, I desire to have the RECORD show that the senior Senator from Utah voted "nay."

Mr. BYRD. Mr. President, I should like the RECORD to show that had there been a ye-and-nay vote I should have voted in the negative; and my colleague [Mr. GLASS], who is unavoidably absent, also would have voted in the negative.

The PRESIDING OFFICER. The question is on agreeing to title I of the amendment in the nature of a substitute, as amended. [Putting the question.] The "ayes" have it, and title I, as amended, is agreed to.

Mr. COPELAND. Mr. President, I now offer the amendment to be known as title II, and ask to have it read.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 116, after line 2, it is proposed to insert:

TITLE II

Sec. 1. There is hereby established a National Resources Board (hereinafter referred to as the Board) to be composed of five members, not more than three of whom shall belong to the same political party, to be appointed by the President by and with the advice and consent of the Senate. Each member shall receive a salary at the rate of \$10,000 per year.

Sec. 2. The Board shall determine the rules of its own proceedings and a majority of its members shall constitute a quorum for the transaction of business.

Sec. 3. The Board is authorized, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to appoint for such period or periods of full- or part-time service, a director and such officers, consultants, attorneys, experts, and research assistants, and to fix the compensation of each on such annual, per-diem, or other basis, as may be necessary in carrying out the functions of the Board under this act, and the Board may, subject to the civil-service laws, appoint such other employees as are necessary in the execution of its functions and fix their salaries in accordance with the Classification Act of 1923, as amended. The Board may make such expenditures (including expenditures for personal services and travel and for office rent and equipment at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary for the administration of this act, and as may be provided for by the Congress from time to time. There is hereby authorized to be appropriated annually such sums as may be necessary for the expenses of the Board.

Sec. 4. The Board is authorized (a) to investigate, examine, study, analyze, assemble, and coordinate, and periodically to review and revise basic information and materials appropriate to plans for the conservation and development of the natural resources of the Nation, and on the basis thereof to initiate and propose in an advisory capacity such plans and planning policies; (b) in furtherance of these ends to consult with any existing or future agencies of the Federal Government and of any State or local government, as well as with any public or private planning or research agencies and institutions; (c) to prepare and submit studies, reports, and recommendations upon matters within its jurisdiction under this act whenever the President or the Congress may request a study, report, or recommendation from the Board upon any such matter; and (d) to set up a special advisory council and to constitute such other agencies as the Board may deem necessary or appropriate to assist in the carrying out of its works.

Sec. 5. The Board shall prepare and present each year to the President and to Congress a report setting forth and summarizing its work during the preceding year, and shall include therein such information, data, and recommendation for further legislation as the Board may deem advisable with regard to matters within its jurisdiction under this act.

Sec. 6. The National Resources Committee created by Executive Order No. 7065, dated June 7, 1935 (hereinafter referred to as the old board), shall cease to exist at such time as the President shall determine; and thereafter all records, papers, property, and funds of the old board shall be transferred to the Board; and such employees of the old board as shall be designated by the Board and shall pass noncompetitive tests of fitness prescribed by the Civil Service Commission shall acquire classified civil-service status and shall become employees of the Board at the grades and salaries specified in their respective examinations: *Provided*, That this section shall not be construed to impair any obligation incurred by the old board.

Sec. 7. This title may be cited as the National Resources Board Act of 1936.

The PRESIDING OFFICER. The question is on the adoption of the amendment designated as title II.

Mr. O'MAHONEY. Mr. President, on behalf of the chairman of the Committee on Public Lands and Surveys, the junior Senator from New York [Mr. WAGNER], who is unavoidably absent, I move that the amendment offered by the senior Senator from New York [Mr. COPELAND] be referred to the Committee on Public Lands and Surveys.

The amendment was considered this morning by the Committee on Public Lands and Surveys, and the chairman was authorized by the committee to make the motion which I have now presented to the Senate.

It may be proper to point out that within the month the Senate passed a measure, which had been approved by the Committee on Public Lands and Surveys, changing the name of the Department of the Interior to the Department of Conservation. This Department includes among its bureaus the United States Geological Survey, the Bureau of Mines,

the Bureau of Reclamation, and the General Land Office, all of which deal with national resources. Among its employees are any number of experts who are fully qualified to pass upon all the questions which will be considered by the board proposed to be created by this amendment.

The Committee on Public Lands and Surveys, of course, has no purpose of expressing any view at the present time as to whether or not such legislation as this should be enacted, indeed, speaking for myself, let me say I recognize the value of the principle, but it desires to call the attention of the Senate to the fact that a similar bill was introduced in the House of Representatives by Representative MAVERICK, House bill 10303, on January 16 of this year, and was referred to the Committee on Public Lands of the House. It was recognized as the proper committee to deal with the subject matter. A similar bill was introduced in the Senate during the last session by the senior Senator from New York [Mr. COPELAND], and referred to the Committee on Commerce, from which it was reported in June of last year, without hearings, as I am informed. That measure has been upon the calendar of the Senate since that time. In other words, it has been on the calendar of this body throughout this session, and whenever the calendar has been called it has always been objected to, because Members of the Senate have not had the opportunity of giving the attention to the measure which it quite obviously deserves.

It seems to be a little inappropriate to pass, as a rider to a flood-control bill, a measure which would undertake to establish an altogether new agency of Government. During the year 1933, after the passage of the National Industrial Recovery Act, when the President was authorized to make certain emergency expenditures, the National Resources Committee was established by Executive order. The members of that committee are, among others, the Secretary of the Interior, as chairman, the Secretary of War, the Secretary of Commerce, the Secretary of Labor, and other individuals. Each of these Secretaries serves without compensation in addition to that which he receives as head of his department.

The pending amendment would create a new commission of five members, each of whom would receive an annual salary of \$10,000.

Mr. CLARK. The salary was \$12,000 until the committee cut it down to \$10,000.

Mr. O'MAHONEY. The Senator is correct; it was \$12,000 in the bill reported by the Committee on Commerce at the last session.

It seems, therefore, that there is no particular reason for hurrying through, as a rider, a measure which might have the effect of taking over the functions of the Department of the Interior.

Moreover, this has to do with the resources of the United States. Most of those resources which are not contained in private lands in the Eastern States are to be found in the public domain, in the Western States, and it seems to the Committee on Public Lands and Surveys that a measure which deals so intimately with the vital concerns of the public-land States should not be lightly considered, without the action of the appropriate committee, and the appropriate committee in this instance is the Committee on Public Lands and Surveys.

I do not know that it is necessary for me at this time to make any further comment upon the reasons for the motion to refer the amendment to the Committee on Public Lands for proper consideration by that committee.

Mr. PITTMAN. Mr. President, I intend to support the motion made by the Senator from Wyoming [Mr. O'MAHONEY]. I was present at the meeting of the Committee on Public Lands and Surveys this morning when this proposed amendment was called to the attention of the committee. The committee was unanimous in its view on the matter, as that view has been expressed so clearly by the Senator from Wyoming.

I should say, in the first place, that the pending bill is not a measure to which should be attached such an amendment as this. It certainly comes as a surprise. I doubt very

seriously, from what I have heard, whether it had careful consideration in the Committee on Commerce, as it was a matter entirely foreign to the main legislation.

There is already an interdepartmental committee set up to study and report on this very subject, and it consists of the heads of the departments which deal with our natural resources; for instance, the Department of Agriculture, which deals with our forest reserves, with reforestation, soil erosion, and various other subjects. Then there is the Department of the Interior, which deals generally with all the public lands, with minerals, through the Bureau of Mines, with public surveys, and with power projects. Again, there is the War Department, which deals, to a certain extent, with navigable rivers. In other words, conservation is handled by several departments of the Government, and the departments are dealing through a board which attempts to coordinate the various activities.

Now, we have before us an amendment which provides for the appointment of a board of five members, who are to draw \$10,000 a year, who are to be allowed to appoint experts, attorneys, geologists, and engineers, without limitation as to the expenses they may incur. There is absolutely no limitation fixed in the amendment.

The amendment has not been considered, and it should be considered. I think it would be very unfortunate at this time to attempt to establish a great bureau of this kind, without limit on the expense it may incur, without designation of authority, when it is not needed, and the question has not been studied.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. O'MAHONEY. I desire to call the attention of the Senator to the fact that section 2 of the amendment, as I read it, authorizes the board to determine the rules of its own procedure, and the regulations under which it shall carry on. Certainly that provision ought to be considered seriously by a committee of the Senate.

Mr. PITTMAN. The board would be absolutely unlimited as to functions or as to appropriations.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CLARK. I call the attention of the Senator to the fact that as the amendment is at present drawn, there is absolutely no limit whatever to the terms of the commissioners to be appointed. In other words, by the amendment as it now stands they are apparently to be appointed for as long as they live.

Mr. PITTMAN. There is not a limitation in the whole amendment.

Mr. HAYDEN. Mr. President, if I believed that the term "national resources" should be confined to lands or property of the United States, I would agree that there was force to the suggestion made by the Senator from Wyoming that this amendment be referred to the Committee on Public Lands and Surveys, because that committee has jurisdiction over the public domain. But it is not the purpose of title II, as it is presented, to confine the national resources board to a mere consideration of what should be done with property of the United States, and it is so stated in the amendment itself:

The board is authorized (a) to investigate, examine, study, analyze, assemble, and coordinate, and periodically to review and revise, basic information and materials appropriate to plans for the conservation and development of the natural resources of the Nation.

The natural resources of the Nation to a vast extent are in private ownership. Because the coal in a mine or a stand of timber belongs to some individual or to a corporation does not mean that they are not natural resources of the Nation. So, this proposal is not one which deals solely with public lands or public property.

As I view the amendment, its purpose is quite parallel with what was done when the General Staff of the Army was created. The President ought to have a general staff on problems of natural resources, and that is what title II would

accomplish in establishing a permanent national resources board.

Elihu Root was not only Secretary of War but a great Secretary of War. In the years after he left that office he often said that the chief accomplishment of his service was the establishment of a General Staff for the Army. A statement that he made in his annual report of 1902 may be paraphrased as an argument for a general staff for our national resources. Its application to flood control is obvious. Secretary Root said:

Such a body of men doing General Staff duty is just as necessary to prepare an army properly for war in time of peace as it is in time of war. It is not an executive body; it is not an administrative body; it acts only through the authority of others. It makes intelligent command possible by procuring and arranging information and working out plans in detail, and it makes intelligent and effective execution of commands possible by keeping all the separate agents advised of the parts they are to play in the general scheme.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. O'MAHONEY. Is it not a fact that the general staff to which the Senator refers was a general staff within the War Department under the Secretary of War? Under the pending amendment we create a general staff which is altogether independent of the Secretary of the Interior. The propriety of having the national resources surveyed by the Department of which the Secretary of the Interior is the head was recognized in the Executive order which first created the board, because that order made the Secretary of the Interior chairman of the board. What this amendment does is to break down the coordination between the two, and to set up an altogether independent establishment, which can result in nothing else but friction, and cause cross purposes to exist between the bodies.

Mr. HAYDEN. Again I say that if all the natural resources of the country were now under the jurisdiction of the Department of the Interior it would not be necessary to establish such a board as is proposed by the committee amendment. But the Senator from Wyoming knows as well as I do that other great Departments, such as the Department of Agriculture, the War Department, and other agencies of the Government have much to do with natural resources. Congress cannot, therefore, consign this problem to one department or to the supervision of any one department. The functions of a natural resources board must cover the scope of many branches of the Federal Government both in an informational and educational way and in a coordinating and advisory capacity. I quote from the hearings on S. 2825 to make it clear that the board is to exercise no executive power.

2. That the functions of the board should be advisory and not executive and should include: (a) Coordination of planning policies within the Federal Government; (b) coordination of planning policies between Federal, State, and local jurisdictions; (c) stimulation and assistance to the planning agencies within the Federal Government and in regions, States, and localities; (d) fundamental research directed toward the development of basic national policies and programs.

If Senators will realize the clear distinction between a board created purely to acquire information and to advise, which is staff work, and the executive functions of the various departments, they can appreciate the great advantage which will accrue, in the establishment of wise policies, in dealing with our national resources by reason of the establishment of such a staff. If the duty of fixing broad policies be given to the head of any one of the 10 departments, then friction will result, because no head of one department can do so without treading on the toes of another executive. Therefore the national resources board should be a separate and distinct organization with no executive powers of any kind.

Mr. PITTMAN. May I ask the Senator a question? Is there any particular reason why the Commerce Committee should have more to do with natural resources than the Department of Agriculture or the Department of the Interior?

Mr. HAYDEN. It was entirely appropriate, I may say to the Senator, in its consideration of this great flood-control bill, Nation-wide in its scope, for the Commerce Committee, although the committee has nothing to do with legislation relating to the Department of Agriculture, to amend the bill by providing that that Department shall make investigations and reports upon watersheds with respect to flood control.

Mr. PITTMAN. Do not the Army and the Navy generally accomplish more for the protection of our natural resources than is accomplished by the Board of Army Engineers in their particular field?

Mr. HAYDEN. By way of keeping foreign enemies from invading our country, the Army and Navy do protect its resources. The point I am making, however, is that the Committee on Commerce did recognize that there was another department outside of the War Department which could render real service in flood control.

Mr. PITTMAN. Did the Commerce Committee have anything to do with it?

Mr. HAYDEN. Yes; it reported out the pending amendment to this bill.

Mr. PITTMAN. Did the committee call any of those on the conservation board at present?

Mr. HAYDEN. I am not a member of that committee, and I cannot answer the Senator's question.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CLARK. The amendment was never considered by the Committee on Commerce at all until after the bill had been reported in the Senate, except that an elaborate hearing was held on the bill itself. After the bill was reported in the Senate the Senator from Arizona introduced an amendment comprising six separate committee amendments, and the Committee on Commerce considered them from 11:30 one day to 12:20 the same day. No one appeared at that time before the committee except the Senator from Arizona.

Mr. PITTMAN. Was the report of the committee a unanimous one?

Mr. CLARK. No.

Mr. PITTMAN. I do not care to debate the question any more. If we are to take up the amendment we must frame the amendment properly on the floor of the Senate, which will take several hours.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for the purpose of addressing a question to the Senator from New York?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. There was a substantial division in the Commerce Committee over this amendment. It is a rider to the main purpose of the bill. The Senator from New York has made a perfectly splendid record in protecting this bill against riders, and I want to appeal to him in the name of consistency, with the thoroughly splendid record he has made on the bill, to permit this amendment to go to the committee as requested by the Senator from Wyoming.

Mr. HAYDEN. The Senator from New York may answer the question in his own time but I should like to conclude my remarks.

The Army has found the General Staff an indispensable agency for the development of coordinating plans. Their experience does not show that the General Staff is in any way an interference with the full prerogatives and duties of the separate branches of our national defense. The national resources board as provided in the pending amendment would not interfere with the duties of any department of the Government, but would make possible an over-all view of the relations between the activities of all of the agencies concerned in the development or conservation of the resources of the Nation.

The planning work which the national resources board will do has nothing to do with the talk about regimentation and control which we hear so much of in the press these days. Regimentation and control go with the execution of plans. What the amendment provides for is the

initiation, devising, or formulation of alternative lines of policy. Choice of the final action is left to the Congress and the President.

The work of the national resources board during these last 2 years demonstrates the possibility of decentralized planning work through the assistance given to State planning agencies and regional planning agencies. The opinions and desires of citizens throughout the country are made vocal and effective. The board which produced these fine results has done some wonderful work bringing together Federal agencies and State agencies in a cooperative attack on the waste and exploitation of our natural resources.

Congress cannot expect the President to bring together all of these varying interests concerned with flood control and decide all the issues personally. He must have a "general staff" to assist him. We know by experience of the last 2 years how useful such a staff may be, and it is obvious that this work can be carried on economically and effectively through the adoption of this amendment.

I desire to conclude my remarks by reading an extract from a recent editorial in the Wall Street Journal which indicates the line of demarcation between advisory authority or staff duty and executive authority. I quote:

Economic planning has become a catch phrase signifying an effort to control production, prices, wages, credit, and a host of other things in accordance with the dictates of Federal bureaucrats. The type of planning advocated by the National Resources Committee in its latest report is of an entirely different nature. In essence, it would seek to provide continuing expert knowledge for the guidance of all types of governmental units, but such knowledge would be offered in an advisory capacity only.

I feel that those who oppose the creation of such a general staff for national resources do so by reason of a failure to appreciate what could be accomplished by proper investigation and coordination. They hesitate because of a fear of interference with executive duties and functions. That is, of course, a mistaken notion which will soon be abandoned if this amendment is enacted into law.

Mr. VANDENBERG. May I renew my question addressed to the Senator from New York?

Mr. COPELAND. Mr. President, being of Yankee stock, having been asked a question, I desire to ask one. I wish to ask the Senator from Wyoming if it is his purpose to take this meritorious proposal to the Committee on Public Lands and Surveys in order to bury it in a pigeonhole?

Mr. O'MAHONEY. I am sure the Senator will give the Committee on Public Lands and Surveys credit for being an active committee, and not one where measures are customarily buried. I know it is the intention of the committee, if I could judge from what was said this morning when the subject was considered, to give sincere and earnest attention to this measure. Of course, I cannot speak for the chairman of the committee in his absence, in response to the inquiry of the Senator from New York, but I will say that I shall urge that the matter be taken up at the very next meeting.

Mr. COPELAND. I thank the Senator. We have no more important subject before us as a Senate than this one. I saw in last Sunday's New York Times a very remarkable article, with a chart showing wartime self-sufficiency of the great powers in raw materials. There are possibilities in the United States for the development of raw materials to the extent of almost 100 percent of those needed. To show what I have in mind, I ask unanimous consent to have inserted in the RECORD at this point the article by Harold Callender entitled "Raw Materials Issue Grows More Insistent."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of May 17, 1936]

RAW-MATERIALS ISSUE GROWS MORE INSISTENT—YET NO COUNTRY, EVEN WITH COLONIES, IS SUFFICIENT UNTO ITSELF IN THE ITEMS ESSENTIAL FOR A WAR

By Harold Callender

LONDON.—Two nations, Japan and Italy, have recently gone to war to obtain colonies; and a third, Germany, has made her demand for colonies one of the conditions of a European agreement for the maintenance of peace. All three support their claims to colonies by pointing to their lack of raw materials.

Their access to these primary commodities, which are necessary for their industries, is hampered both by restrictions and taxes in the producing countries and by the difficulty of obtaining foreign currencies with which to buy them.

Acquisition of colonial empires might reduce these difficulties, if the acquired colonies contained substantial amounts of raw materials; but it would be impossible for any of the three aggrieved nations to gain in this way an adequate supply of all the raw materials they needed. Moreover, their access to these materials, even if they obtained colonies, would still be subject to interruption in case of war—unless they attained command of the seas as well. There is thus no conceivable colonial adjustment which could insure to Japan, Italy, or Germany, in peacetime and in wartime, all the raw materials necessary for its industry and defense.

THE BRITISH ATTITUDE

Yet the raw-material problem plays a vital part in all schemes to remove grievances in order to prevent wars; and the British Government has committed itself in principle to the thesis that access to raw materials should somehow be facilitated, if not guaranteed, for those countries notably lacking them. The aspiration to national economic self-sufficiency—unattainable as the goal is for most countries—has accentuated the demand for assured supplies of raw materials.

Some of these materials are foodstuffs, like wheat and meats, without which no nation could survive if blockaded by sea or land. Others are raw materials, like wool and cotton and iron and coal, which are required in large quantities for industries making both consumers' and producers' goods. But most of them, in this age of mechanization, are minerals essential to the manufacture of both peaceful machinery and warlike equipment. Many, like manganese, are required in only small quantities, but are as essential to industry as steel or coal.

It is sometimes said, as in a recent article by H. R. G. Greaves, that there are 25 materials which are indispensable to advanced countries; that the British Empire possesses an adequate supply of 18 of them, Germany of only 4, Italy of 4, Japan of 3.

HOLLAND LIST OF MATERIALS

Mr. Greaves does not name the 25 materials. It would be a somewhat arbitrary list in any case. But Sir Thomas H. Holland, of the University of Edinburgh, in his book *The Mineral Sanction*, discusses the distribution of 21 mineral substances of special importance in war—and, he might have added, in peace as well. These minerals are aluminum, antimony, cadmium, chrome ore, copper, fluorspar, graphite, iron and steel, lead, magnesia, manganese, mica, molybdenite, nickel, petroleum, platinum, quicksilver, sulphur, tin, tungsten, and zinc.

Germany is dependent upon foreign sources, wholly or largely, for 14 of these 21 minerals which are so vital to industry and war; Italy is similarly dependent for at least 10 of the 21; Japan must import some 8 of them from areas distant from China. Japan is particularly short of iron, petroleum, lead, and phosphate; as regards oil, she is almost as vulnerable as Italy.

Even the United States, which is regarded as a fortunate power and is better supplied than any other nation with minerals needed in wartime, is almost entirely dependent upon foreign sources for 10 of the 21 minerals listed; though Sir Thomas considers that in an emergency she would face a serious deficiency in only 5—antimony, chromite, manganese, nickel, and tin.

EMPIRE NOT SELF-SUFFICIENT

The British Empire, which includes the largest collection of territory under one flag and excites the envy of colonyless powers, would be well supplied so long as the sea communications with its scattered territories were maintained; but it, too, would be incomplete from the point of view of minerals, for it would have to look to foreign sources for antimony, petroleum, quicksilver, and sulphur.

It is clear then that even the richest colonial powers still fall short of the absolute economic self-sufficiency of which smaller powers dream. From this point of view, it might be said that even Britain had not yet acquired enough colonies.

The question of potential self-sufficiency in raw materials in time of war—which, after all, is the essence of the raw-material demands of the discontented nations—is examined in an illuminating manner by Brooks Emeny, in his book, *The Strategy of Raw Materials*. His list of 22 essential industrial raw materials includes some nonmineral substances. The items on his list are strategic materials in the sense that no nation could long live or fight if it did not possess a supply of them.

Their distribution is very uneven. In manganese, necessary for making steel, Russia is the only country which is self-sufficient. Southern Rhodesia is the luckiest spot as regards chromite. Canada has the greatest supplies of nickel. China is especially rich in tungsten and antimony. Spain and Italy, so short of other materials, are the principal sources of mercury.

AMERICA'S POSITION

The United States has adequate supplies of at least 7 of these 22 raw materials, and by increasing domestic production, could obtain from its own soil, if necessary, adequate supplies of others; but if cut off from foreign sources it would be short of rubber, chromite, tin, antimony—and Sir Thomas would add nickel and manganese. From 4 to 6 of the 22 materials thus would be unobtainable or obtainable with great difficulty if America were at war.

The British Empire would be in a similar predicament, for it would need petroleum, cotton, mercury, antimony, potash, phosphates, and sulphur from foreign sources—7 of the 22 materials. Germany would lack some 18 of the 22; Italy would lack 15; Japan 14. Russia would be in the class of the United States and Britain, for she would lack only 6, on Mr. Emeny's estimate.

It is interesting to note that France, though the second greatest colonial power on the basis of the area of her possessions, nevertheless would lack 14 of the 22 raw materials if deprived of sources outside her territory. Thus France, in spite of her vast colonial domain, is in a class with Japan, Italy, and Germany as regards her resources in raw materials. Consequently, if the need of raw materials justifies colonial claims, France would have about as good a case for additional colonies as the three discontented and colony-seeking powers.

UNITED STATES AND BRITAIN

Students of the question are invariably impressed by the oddly complementary character of the British and American wealth in raw materials. Britain produces within her empire less than 2 percent of the world's output of petroleum and must import more than nine-tenths of her oil, but the United States produced last year 58 percent of all the oil of the world and is more than adequately supplied. Britain, though her empire with Egypt produces about one-fourth of the world's cotton, is inadequately supplied as to variety; but America produces about half the world's cotton, including the type Manchester uses most. The British Empire grows very little corn (maize), but the United States grows about 55 percent of the output of the world.

On the other hand, the United States produces no rubber, but British territories produce some 58 percent of the world's output of it. The United States has very little nickel, but the British Empire (chiefly Canada) produces 94 per cent of the world production. In wheat output the British Empire is far ahead of America; it produces about half the world's wool and 99 percent of its jute.

Pointing out that between them the British Empire and the United States produce about two-thirds of all the minerals the world consumes, Sir Thomas Holland concludes that they are the only two nations that could fight for long on their own natural resources. Thus they are well equipped for war or for preventing war. If they should unite in refusing mineral products to countries that violate the Kellogg Pact by making war, "no war can last very long," says Sir Thomas.

As Mr. Emeny puts it, speaking not only of minerals but of all essential raw materials: "The United States and the British Empire—and to a lesser extent Russia—are outstanding in potential wartime self-sufficiency. It should be noted that in the case of all commodities, with the single exception of antimony, the domains of the United States and imperial Britain form together a perfect unity in supply."

"The richest raw material regions of the world are in great part under the dominance of the Anglo-American powers. These two national groups, which account for over 60 percent of the world's industrial output and exercise financial or sovereign control over 75 percent of the mineral resources, hold the balance of power so far as the essential commodities of peace and war are concerned."

This dominance does not please but rather irritates the crowded nations which seek colonies, and Britons and Americans recognize that there are advantages in political control of raw materials. For example, it makes possible restriction of output and control of prices.

ADVANTAGES DIVIDED

America has the advantage over Britain and her raw materials are assembled on one compact continent, while Britain's are scattered over the earth and are available to Britain only so long as she controls the seas.

It is the peacetime availability of raw materials which the British have offered to discuss and to facilitate. Their availability in wartime is quite a different question. The dream of the Nazis and the Italian Fascists of making their countries self-sufficient in both peace and war is obviously fantastic—short of world conquest.

Mr. COPELAND. Mr. President, we had before the Appropriations Committee and the Naval Affairs Committee last year and this year the question of raw materials. To me it was most gratifying to find that a governmental body has in the short time of 2 years brought together a dozen reports like the large volume which I hold in my hand, showing the resources of the Government and the possibilities of our country. The National Resources Committee has had a program to provide for the systematic development of our water resources for the purposes of sanitation, power, industrial uses, transportation, recreation, domestic consumption, and other collateral uses on a far higher level than ever before. It has studied the question of flood control. It proposes to reduce the heavy losses of soil caused by uncontrolled erosion.

No better argument is needed for the board than the magnificent speech made yesterday by the Senator from Minnesota [Mr. SHIPSTEAD]. If before yesterday I had known

nothing about what this board had done, I would have been amply enlightened by the speech he made, with his diagrams, rather diagrammatic in some respects, which did more to enlighten the Senate on the possibilities of the preservation of the soil than any other Senator has done, and I say that without disrespect to others. He said throughout his speech that the material he was presenting had been obtained from the national resources board.

He pointed out the progressive loss of the topsoil and the ultimate destruction of the fertility of our country by soil erosion. There is a great problem which someone must study and to which must be given a great deal of thought from now on.

The commission had a human side to its work. Of course, I am frank to say that I interpret the words "natural resources" to include the relation of our physical surroundings to human needs and to scientific methods of making our resources more useful to our people. The National Resources Committee, I am informed, is now engaged in studies of "stranded" populations where abandoned mines have left miners without occupations. They are working on scientific inventions which may affect our use of natural resources or change our methods of conservation and development of those resources. These related activities should be continued.

There should be the continued assembling of basic data as regards the matter, and provision for continuation of long-range planning, of land, water, and mineral resources. It means much to the various States. It means much to my native State of Michigan. It means much to my adopted State of New York and its forest resources.

There are tremendous responsibilities resting upon an organization of this character, the possibility of making contributions to the welfare of our people, not for next week or next month but for next year and for the years to come, and to benefit generations yet unborn. That is the reason why I asked the Senator from Wyoming [Mr. O'MAHONEY] if it means simply the graveyard and an end of the project. The Senator has assured me that such would not be the case.

Now to reply to the Senator from Michigan [Mr. VANDENBERG]. It is true, as stated by the Senator from Missouri [Mr. CLARK], that this particular matter had no hearing before the full committee. There was a very full hearing before a subcommittee on a bill which is now upon the calendar. We spent a long time listening to Mr. Delano and other members of the Board and to Secretary Ickes, but the full committee had the benefit of those hearings. The Senator from California [Mr. JOHNSON] and I were there several hours. It must be admitted that the vote of the committee to report the bill was very close. It was really swamped, except for the vote of the chairman.

Mr. President, I think the Senate is in no mood to go forward with this matter. I do not want to break the heart of my friend from Arizona [Mr. HAYDEN], but his heart and mine will be broken in the same way if we do not get this proposal through in some form. Let me ask the Senator from Arizona if he thinks we had better make a battle for it now?

Mr. HAYDEN. Mr. President, the Senator from New York is as good a judge of the present sentiment of the Senate as anyone who could be found to pronounce judgment on what should now be done. Under the circumstances, if he feels that there are not votes enough available to have the amendment adopted, I think it would be an advantage to have the Public Lands Committee promptly consider the entire question. The Committee on Public Lands and Surveys would have before it, under the motion made by the Senator from Wyoming, only the text of the proposed amendment, but not in a form upon which any action could be taken. If there is to be something before the committee upon which it can act, it would seem to me to be the part of wisdom to recommit Senate bill 2825, now upon the calendar, to the Committee on Public Lands and Surveys.

Mr. O'MAHONEY. Mr. President, I will accept an amendment to that effect to my amendment.

Mr. COPELAND. Also, that the Committee on Commerce be invited to transmit to the Committee on Public Lands and Surveys the record of the hearings which our committee had on the subject.

Mr. O'MAHONEY. Very well.

Mr. HAYDEN. I ask unanimous consent that Senate bill 2825, Calendar No. 1020, be recommitted to the Committee on Public Lands and Surveys.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, reserving the right to object, I wish to understand just what the request is. I ask the Senator from Arizona if that bill is similar to committee amendment no. 6?

Mr. COPELAND. Yes.

Mr. HAYDEN. Committee amendment no. 6, otherwise known as title II, consists of the text of the bill, introduced by the Senator from New York [Mr. COPELAND], to provide for the establishment of a national planning board, with certain modifications made by the Senate Committee on Commerce.

Mr. AUSTIN. Does the bill create a board whose function is predominantly political as this amendment does?

Mr. HAYDEN. I have not considered either the amendment or the bill to be of a political nature except in the broad sense of that term.

Mr. COPELAND. Mr. President, if the Senator will bear with me—

Mr. AUSTIN. Let us not get away from the intent of the question. I am not talking about politics; I am talking about administrative and legislative policy. As I interpret amendment no. 6, the predominant function of this board would be to make investigations for the purpose of advising the Chief Executive and the Congress regarding the policy that should be pursued in legislation. Is that the purpose of the bill?

Mr. HAYDEN. The bill and the amendment cover the same field in practically the same way. My proposal is to recommit the bill S. 2825 to the Committee on Public Lands and Surveys. It has been upon the Senate Calendar without action for about a year.

Mr. AUSTIN. Very well, Mr. President; I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

Mr. COPELAND. Mr. President, I think now we are all through the bill. I ask unanimous consent to withdraw amendment no. 6, which is title II, and which we have just discussed.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Chair is of the opinion, and is so advised by the parliamentary clerk, that there still remains the passage of the bill as such. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION OF COMMODITY EXCHANGES

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of House bill 6772, Calendar No. 1489, known as the commodity exchange bill. I will state that if the motion is agreed to, it is my purpose to move a recess until Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

PRINTING OF COURT OPINION ON CONSTITUTIONALITY OF EMERGENCY RELIEF APPROPRIATION ACT, 1935 (S. DOC. NO. 242)

Mr. HAYDEN. From the Committee on Printing I report back favorably, without amendment, Senate Resolution 302, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 302) submitted by Mr. STEIWER on yesterday, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the opinion of the United States Court of Appeals for the District of Columbia, no. 6619, in the case of the Township of Franklin, etc., et al., appellants, against Rexford G. Tugwell, Administrator, Resettlement Administration, et al., appellees, involving the constitutionality of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, as abridging the reserved rights of the States, be printed as a document, and that 1,000 additional copies be printed for the use of the Senate document room.

HERNANDO DE SOTO'S EXPEDITION

Mr. BARKLEY. From the Committee on the Library, I report back favorably, without amendment, House bill 11747 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 11747) extending the time for making the report of the commission to study the subject of Hernando De Soto's Expedition, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the commission to study the subject of Hernando De Soto's Expedition, appointed pursuant to the joint resolution entitled "Joint resolution pertaining to an appropriate celebration of the four hundredth anniversary of the expedition of Hernando De Soto", approved August 26, 1935, may make its report to Congress on or before January 2, 1939.

FEDERAL HOUSING ADMINISTRATION ACTIVITIES

Mr. KING. Mr. President, I have had prepared a statement concerning the activities of the Federal Housing Administration, one of the agencies of the Government which has done and is doing a splendid work for the entire country. I ask permission to have the statement printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

FEDERAL HOUSING ADMINISTRATION ACTIVITIES

For the past 2 years the Federal Housing Administration has served as a powerful and growing force for recovery in the building and allied industries. Through that agency, at a minimum of expense to the Federal Government, idle men, idle plants, and idle capital have been put to work on a vast scale throughout the Nation, serving the owners of homes and other properties.

Business transacted through the Federal Housing Administration plan is in excess of \$800,000,000. By the middle of the summer it will cross the billion-dollar mark. Let me emphasize, gentlemen, this is all private capital—all private money. The Federal Housing Administration lends no money, it insures private lending institutions against loss.

Under the modernization credit-insurance plan established under the National Housing Act of June 27, 1934, more than 1,000,000 properties have been improved with the proceeds of insured loans which, by April 30 of this year, amounted to more than \$365,000,000. These loans of private capital have been made by over 6,000 banks and other financial institutions.

Over and above these results, an immense volume of modernization and repair work has gone ahead on a cash basis or has been financed in other ways, bringing the total volume of modernization and repair work generated to more than \$1,500,000,000. This large total has been built up through the activities of some 7,000 local better-housing committees and related agencies, cooperating with the Federal Housing Administration and covering most of the cities and towns in the United States. In the main, their programs have been carried on by voluntary workers, who have thus contributed their time, energy, and money in the interest of recovery.

Altogether, many thousands of business firms, and millions of wage earners, have profited. The recovery evident during the past 18 months in practically all lines of industry related to housing indicates that the modernization credit plan of the Federal Housing Administration has acted as a substantial force.

The impetus gained as a result of this emergency measure is being enlarged and carried forward by increased home-building activity, which was given a start and has been greatly accelerated by the timely inception of the mutual mortgage insurance plan of the Federal Housing Administration. New residential building commenced during the first quarter of 1936 was substantially greater, as indicated by building permits, than during the first quarters of the three preceding years combined.

This revival of home-building construction has resulted in the rapid reemployment of building-trades workers, to such an extent that in many areas there are no idle skilled craftsmen available.

The Federal Housing Administration's contribution to this revival represents a phase of the great movement which is leading to reestablish home-mortgage lending on a new and sounder basis. In this movement it has obtained the cooperation of 47 States, which have enacted necessary enabling legislation, and of more than 8,000 lending institutions, which have been approved as mortgagees under the plan.

Although the single insured mortgage system came into active operation only a little more than a year ago, owing to the time required for enactment of the State laws just mentioned, more than 64,000 mortgages with a principal value of \$260,000,000 have been accepted for insurance. Far more significant than this total are the indirect effects.

The mutual mortgage insurance plan makes amortized mortgages up to 80 percent of the value, and for terms up to 20 years, available to borrowers whose property and whose income fairly warrant such obligations. It has also given long-term, amortized home mortgages a form and standing that makes them most desirable as investments for banks and the leading types of thrift institutions.

Among the achievements of this new device may be listed:

The firm and universal establishment of the long-term, monthly amortized mortgage in the home mortgage lending practice of the Nation.

The free flow of mortgage money from centers of supply into communities where funds are normally scarce.

The reduction in mortgage financing charges for large sections of the country due to the uniform interest rate established by the Administration.

Improvement in construction practices influenced by standardized appraisal methods based on minimum property standards.

Increased safety to both the home buyer and the mortgage lender throughout the life of the mortgage as a result of the insurance protection and the safeguards attending it.

The insured single mortgage stands as the one active safeguard which may be used to discourage the revival of the vicious type of second mortgage, which, with its high charges and inflated values, was in large measure responsible for the great number of foreclosures during the recent depression. The new system, with its emphasis on sound appraisals and careful investigation of the borrower's capacity to pay, makes for sound lending at the same time that it is assuring ample credit for the healthy revival of home building, which is the greatest single force making for continued and rapid recovery.

All in all, the mutual mortgage insurance program in most districts of the country, has made home-mortgage money, which has been frozen almost solid for several years, generally available to home owners on the most attractive terms in the history of the Nation.

The application of the mutual mortgage insurance plan to large-scale housing projects is not spectacular in its approach, but it does carry a fine promise of effecting a real revolution in the field. The financing of apartments and other rental quarters, as has been shown again and again, by investigations in the District of Columbia and elsewhere, has commonly involved abuses of the gravest character. These abuses have led to the fleeing of investors, incompetent planning and poor quality of construction, and high rentals for the poor quarters provided for the tenants. Such conditions have discouraged the entrance of conservative capital, except up to a relatively small percentage of appraised values, and appraisal practices have all too often been lax.

Several large-scale projects in different parts of the country, financed with insured mortgages, have already been completed or are under construction, and the financial arrangements for several others, involving a total cost of approximately \$25,000,000 have been determined recently. Many more are under consideration, a substantial number of which probably will be approved, and new applications are being received from day to day. In all these projects there is emphasis upon sound planning and financing, and upon efficient management, all of which are subject to competent review in connection with the mortgage insurance. Limitation of return on the capital investment is also a feature.

Thus the insurance of mortgages on large-scale housing projects in bringing capital in accordance with sound practice into a field that in the past has been left too largely to a hit-or-miss type of speculative development.

It is not surprising to find that the activities of the Federal Housing Administration have received the most whole-hearted endorsement from groups having widely varying interests. For example, a report approved by the Chamber of Commerce of the United States at its latest annual meeting stated:

"The elimination of the second mortgage by the mutual insurance of first mortgages up to 80 percent of the value of the property is an experiment which is worthy of further trial. Accompanied as it is with the assumption of a contingent liability on the part of the Government, there are reasons to believe that this experiment will become an increasingly important factor in the next 2 years in the recovery of small-house construction. The plan definitely reduces the costs of home ownership to the consumer or purchaser who is not in a position to make a down payment of more than 20 percent; that is, to the buyer who ordinarily would need a second mortgage in order to acquire a home. Since second-mortgage financing facilities are not at present generally available the plan provides an immediate means of obtaining such funds as a part of a single mortgage."

Again, the president of the American Bankers Association, Mr. Robert V. Fleming, stated to a group of bankers:

"I desire to call your attention to first-mortgage amortized loans on real estate which can be made under the provisions of title II of the National Housing Act. This type of loan is particularly desirable as there is no industry which can do more to stimulate employment and help in the stability of the country than the construction of homes. Furthermore, title II loans assist in making unimproved real estate liquid, thus supplying an additional purchasing power. I believe the campaign of education which is being carried on in connection with the provisions of the National Housing Act, as to the principles of amortization and standardization of appraisals, will be most helpful."

A prominent building and loan association official stated: "The Federal Housing Administration loan is really the 1935 model of the building and loan mortgage. * * * Our association is well satisfied with the reception of the Federal Housing Administration insured-mortgage plan by the prospective borrowers. We intend to make just as many loans on this plan as our funds will permit. Our association is quite willing to make loans on the 20-year plan, backed up by the Federal insurance, giving further protection to the investments of its savings shareholders."

Mr. William Green, president of the American Federation of Labor, in a message addressed "to the men and women of labor", has stated:

"The American Federation of Labor, ever anxious to provide employment for the workers and to improve the conditions under which they and their dependents live and labor, unequivocally endorsed the program of the Federal Housing Administration in its recent convention in San Francisco."

"The Federal Housing Administration has now made effective those provisions of the National Housing Act under which loans for new construction and the purchase of existing homes may be insured, thereby making possible the freeing of billions of money so long withheld from the building industry on terms fair to the borrower and safe to the lender, and opening the door of employment to millions long idle."

"In conformity with the action of the San Francisco convention, I now urge all of our people to get squarely behind the Federal Housing Administration and the building trades in their efforts to revive building and to provide better and healthier housing under these provisions of the National Housing Act."

"The ramifications of the better-housing program are almost infinite. Directly the millions employed in building and in the production and transportation of building materials will benefit. Indirectly those normally engaged in the production and sale of all types of goods and in services will benefit."

"The building dollar is a busy dollar. It is not 'hidden in a bush' or buried in a vault. From the pay envelope it speedily finds its way into the purchase of clothing, of food, of the one thousand and one things and services we all require or wish in our daily lives. In turn it makes it possible for those producing, transporting, and selling these goods and services to satisfy their own wants and needs and give employment to others."

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

BOARD OF TAX APPEALS—SAMUEL B. HILL

The legislative clerk read the nomination of SAMUEL B. HILL, of Washington, to be a member of the Board of Tax Appeals for a term of 12 years from June 2, 1936.

Mr. SCHWELLENBACH. Mr. President, I desire very briefly to say that the President has sent to the Senate the nomination as a member of the Board of Tax Appeals of SAMUEL B. HILL, who has been a Member of the House of Representatives for many years.

Mr. HILL is recognized, not only in the House but in this body, as one of the most energetic, brilliant, and sincere

Members of the Congress of the United States. On behalf of my colleague [Mr. BONE] and myself, I ask the Senate to confirm the nomination.

Mr. ROBINSON. Mr. President, I should like to add to what has been said by the Senator from Washington [Mr. SCHWELLENBACH] that this appointee to the Board of Tax Appeals is generally regarded as one of the best-informed authorities in the United States on questions pertaining to taxation.

Mr. COUZENS. Mr. President, I wish to endorse what has been said by the Senator from Washington and the Senator from Arkansas with respect to Mr. HILL, with whom I have served as a conferee on tax and tariff matters.

Mr. KING. Mr. President, the chairman of the Committee on Finance, the Senator from Mississippi [Mr. HARRISON], is absent. As the ranking member of the committee, I take this opportunity of saying a few words in behalf of Mr. HILL. I know that the chairman of the committee, if he were present, would heartily endorse the nomination.

I have known Mr. HILL for many years. I have been a member of the Finance Committee, and he has been a member of the Committee on Ways and Means of the House. He is one of the outstanding figures in Congress; and I know no man in public life who is better equipped than is Mr. HILL to discharge the duties of the important position to which he has been nominated.

Mr. BONE. Mr. President, my colleague [Mr. SCHWELLENBACH] has very generously spoken my own attitude of mind toward the able Member of the House from my own State. I am voicing not only my own regret but, I think, the regret of the great mass of the people of the State of Washington in seeing Judge HILL pass from the House as one of its able and outstanding Members. I feel that the State of Washington has lost a very valuable Representative in Congress.

The PRESIDING OFFICER. Without objection, the nomination of Mr. HILL to be a member of the Board of Tax Appeals is unanimously confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Stuart Allen, of Minnesota, to be a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Harold M. Collins, of Virginia, to be a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, May 25, 1936, at 12 o'clock meridian.

NOMINATIONS

*Executive nominations received by the Senate May 21
(legislative day of May 12), 1936*

RURAL ELECTRIFICATION ADMINISTRATION

Morris L. Cooke, of Pennsylvania, to be Administrator of the Rural Electrification Administration for a term of 10 years, pursuant to the act of Congress approved May 20, 1936.

REGISTER OF THE LAND OFFICE

William Riddell, of Montana, to be register of the land office at Billings, Mont., vice Harry W. Hill, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21 (legislative day of May 12), 1936

BOARD OF TAX APPEALS

SAMUEL B. HILL to be a member of the Board of Tax Appeals.

DIPLOMATIC AND FOREIGN SERVICE

Stuart Allen to be a secretary in the Diplomatic Service.
Harold M. Collins to be a secretary in the Diplomatic Service.

POSTMASTERS

NEW YORK

Wilmarth J. Tuthill, Goshen.

NORTH DAKOTA

Eureka H. McDougall, Cleveland.
Lloyd Lopic, Lankin.

PENNSYLVANIA

Norman B. Gregory, East Stroudsburg.
Christian A. Jansen, Essington.
Charles C. Bernd, Red Hill.

TENNESSEE

George N. Fuller, Collegedale.
John O. Bennett, Troy.

TEXAS

Louise W. Fisher, Burton.
Andrew F. Hester, Donna.
Arthur B. Hobbs, Edgewood.
John Richard Folkes, Giddings.
Norman Charles Schlemmer, Kyle.
Andrew B. Johnson, Marlin.
Rudolph J. Marak, West.

VERMONT

Alice G. Sheehan, North Troy.
James P. Gilfeather, West Rutland.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 21, 1936

The House met at 12 o'clock meridian.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Lord and our God, we are glad of life because it gives us the joyous privilege of loving, of working, of playing, and of looking up at the heavens, which declare the glory of our All-Father. We pray Thee to let us feel that there is in the heart of the Almighty One a place for every human experience and for every wandering, wavering, and unstable child of earth. Do Thou pour Thy redemptive energy into the hearts of men; quicken their intelligence, deepen their understanding, and stimulate their habits. As we go forth to duty, let our hearts know no fear but that of wrongdoing and our minds no anxiety but an earnest desire to toil faithfully for the good of our country. Through Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

COLLECTION OF REVENUE ON INTOXICATING LIQUORS

Mr. SNELL. Mr. Speaker, the Chair yesterday, on the bill H. R. 9185, appointed on the minority side as conferees Mr. TREADWAY and Mr. CROWTHER. The gentleman from Massachusetts [Mr. TREADWAY] is obliged to be out of the city on important business, and he requested me to suggest to the Chair that the gentleman from Ohio [Mr. JENKINS] be appointed as a conferee on the minority side.

The SPEAKER. Without objection, the resignation of the gentleman from Massachusetts [Mr. TREADWAY] will be accepted, and the Chair will appoint the gentleman from Ohio [Mr. JENKINS] as conferee on the minority. The Clerk will notify the Senate thereof.

THE UNITED STATES CONSTITUTION—IT CANNOT SAFELY BE SUPERSEDED, AVOIDED, OR DISREGARDED

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered before the Vermont Association in Boston on February 8, 1936.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, under leave granted to extend my remarks in the RECORD I include the following address which I delivered before the Vermont Association in Boston February 8, 1936:

(NOTE.—In the matter of change the people must be consulted. The Constitution should not be changed by the Supreme Court. It should not be changed in Washington. The people made it. They and they alone can unmake it. They can create; so also they can destroy; but I insist that the creation, the destruction, or the alteration must be the work of the people. It must be an expression of the will of a steadfast and decisive majority which has had ample time for full consideration of all that the destruction or alteration or amendment does involve.)

Responsibilities are privileges. It is a tremendous responsibility that rests on the shoulders of the American people and their representatives—this job of making the world safe for democracy. The fundamental article in the creed of American democracy, call it the fundamental dogma if you like, is the unchanging and unchangeable resolve that every human being, every individual shall have his opportunity for his utmost development—his chance to become and to do the best he can. Democracy is not only a system of government—it is a scheme of society.

Upon those of us who comprehend just the beginnings of all that democracy stands for, and may mean, rests the responsibility of bringing our neighbors to a realizing sense of the blessings that are theirs and an appreciation of the fact that there are commensurate responsibilities for each one to assume.

"Liberty," said President McKinley, "is responsibility, and responsibility is duty; and that duty is to preserve the exceptional liberty we enjoy within the law and for the law and by the law. God grants liberty only to those who love it and are always ready to guard and defend it."

Responsibilities? Yes, but they are not burdens! They are privileges to be enjoyed with a deep sense of satisfaction and appreciation of what it means to be and to exercise the prerogatives of an American citizen. We count our blessings too lightly, underestimate the value of our citizenship, and take too much for granted.

St. Paul said he was a citizen of no mean country. The Romans challenged the world with the slogan, "I am a Roman." What then should be the attitude and state of mind of every American when he takes time to consider the vastness of the domains, the type and multitudes of peoples, and the wealth of all kinds over which fly the Stars and Stripes of his country today. To no man or woman in the long history of mankind and the story of the world conquest in the rise and fall of nations has it ever meant so much as it now means to you and me to be able to say, "This is my own, my native land."

The greatest problem of the day and generation in which you and I live, the greatest question that confronts us, or has confronted us for some time, perhaps since slavery; the question before which all others shrink into insignificance is this: What shall we do with the indifferent citizen? Or to put it another way: What will the indifferent citizen do to the Republic? America has settled some tremendous questions, but as she settles this one, right or wrong, so shall the future of the American Republic be determined, so shall it stand or fall.

"These are altogether extraordinary years," says Mr. Martin, "years of preparation for a new era toward which we grope more or less in the dark. We do not know what it will require of us. We do know out of our experience that we should go armed to meet it, but armed not so much with martial weapons, though they may still be needed, as with faith in humanity, consecration on our report to the cause of all mankind. We are working in these days partly, no doubt, to save our own skins, but chiefly for posterity. The world that is in the making now is the world of generations to come. Those of us whose years are fairly full will be lucky if we see even the beginning of it. How long it will take to get it going is guesswork, but we think that if we do not dissipate it all the little children of our day have a prospect of coming into a great inheritance.

So, ladies and gentlemen, fellow Vermonters, and friends, here in that cradle of American liberty eternally made unforgettable by Lexington and Bunker Hill and Faneuil Hall, in the time that is left me I propose as a Vermonter and an American citizen vitally interested in the welfare of my State and country and its people, concerned with respect to the record of accomplishment our generation shall leave for posterity to ponder, impressed with the